















UNIVERSITY OF PENNSYLVANIA

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# Forty Years of German-American Political Relations

BY  
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A THESIS

PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL  
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THE DEGREE OF DOCTOR OF PHILOSOPHY

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## PREFACE

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THE study covered by this thesis was begun in the autumn of 1916 and was undertaken for the purpose of discovering the general character of the relationship between the United States and Germany after both nations had become world powers, but before events occurred leading immediately to the great war. Covering so long a period, I have confined my study fairly closely to the field of government publications and to autobiography. The nature of the subject, the recent character of the material and the conditions of the times have prevented access to the manuscript archives of either government. Therefore the only unpublished materials available were the very interesting Bancroft and Davis manuscripts dealing with the 1870 period. I have found, however, such an abundance of material in the published sources mentioned, that I feel justified in tracing from it the following conclusions:

First: The general relationship between the two countries shows three main periods of development: There was the early period, comprising approximately the first decade after the founding of the Empire, in which the relations were spontaneously cordial. This was followed by a period of friction developed partly by the increasing economic rivalry of the two countries, but mostly by the development in Germany of an aggressive expansion system, and characterized by an indifference on the part of the German Government toward the effect of that policy upon the United States. The third period, comprising the decade following the Spanish-American war, shows a status again of generally good relations, created in part by the solution of certain outstanding controversies and in part by the deliberate policy of the German Government to cultivate in the interests of the empire the friendship of the United States. The expansion policy progressed steadily, but it took into account the factor of the United States.

Second: The commercial controversies between the two countries centered chiefly in their contrasting interpretations of the "most-favored-nation" principle as expressed in the Prussian Treaty of 1828. The United States correctly maintained that the treaty stipulated clearly for a basis of reciprocity, and the American Government acted uniformly upon this principle throughout the negotiations. Germany, ignoring the equivalence clause of the treaty, incorrectly claimed unconditional "most-favored-nation" treatment and did not itself throughout this period act uniformly upon that principle. The German Government, however, ultimately adopted the interpretation of the United States.

Third: The policies of the two countries toward the natives of the lands of their commercial enterprise were in contrast. This was shown in the several distant spheres in which the German and American commercial interests came in contact with each other, particularly in Samoa, in China, and in Venezuela. The German Government asserted German interests in these spheres, with some deference to the policy of other great powers, but with little or no concern for the rights or independence of the natives or of the politically weak governments rightfully sovereign there. The United States, on the other hand, whether working for the independence of the Samoans, for the integrity of China or for the prevention of forcible measures against Venezuela, threw its influence constantly in defense of native peoples, their rights to self-government and to undisputed possession of their territory.

Material for this thesis has been found in the libraries of the University of Pennsylvania, in the Public Library of New York City and in the Library of Congress in Washington. I am indebted to Mr. Paulsitz, of the manuscript division of the New York Library, and to the staff of the manuscript division of the Library of Congress for their interest and assistance in my work. I am especially indebted to Miss Helen S. Crowne, Miss Anna W. Hill, Miss Nellie C. Smith and others of the library staff of the University of Pennsylvania for their generous help throughout my three years' work at the University. I wish, finally, to express to Miss Julia Russell my grateful appreciation of her cordial and efficient coöperation as my secretary.

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## ABBREVIATIONS

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A. & P.	Accounts and Papers (British State Papers).
F. R.	Foreign Relations of the United States (U. S. diplomatic correspondence with foreign countries).
V. R.	Verhandlungen des Reichstags.
R. Gbl.	Reichs-Gesetzblatt.
M.	Malloy's "Treaties, Conventions, etc."
Sen. Ex. Doc.	Senate Executive Documents.
House Ex. Doc.	House Executive Documents.
Sen. Misc. Doc.	Senate Miscellaneous Documents.
House Misc. Doc.	House Miscellaneous Documents.
Sen. Rep.	Senate Reports.
House Rep.	House Reports.
R. L. S.	Robert Louis Stevenson: "A footnote to history," etc.

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For description of the above works and other sources used see Bibliography.



# FORTY YEARS OF GERMAN-AMERICAN POLITICAL RELATIONS

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## CHAPTER I

### RELATIONS BETWEEN THE UNITED STATES AND GERMANY, 1870

THE newly created German Empire received a cordial welcome from the United States. Many factors combined to create in the American Republic a feeling of warm sympathy for the German people who had just fought a successful war against a monarch unpopular in the United States, and who were now uniting, like those states, into a federal union. This sympathy had a natural basis in the large and steadily increasing population of German extraction in the United States,<sup>1</sup> and in the personal and political intercourse between the two countries which this engendered. There was also present the reminiscence of the recent American Civil War, during which Prussia, the leading state in the new German nation, had been one of the few friends of the Union cause in Europe, whereas the most hostile of European powers during the American crisis was in 1870 the foe of Germany. Such forces, making for friendly relationship, were increased in their effect by the pronounced sympathies of the American minister to Germany for the country of his residence and his earnest personal desire to see cultivated a close friendship between the new empire and the United States.

The American friendliness for Germany was brought out during the Franco-Prussian war. In spite of the careful neutral stand taken by the government, there was, at the beginning of the conflict at least, much unconcealed satisfaction over the successes of the German armies. Mr. Davis, Assistant Secretary

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<sup>1</sup> Congressional Globe, 1870-71, Part 2, p. 956, 41st Congress, 3d Session. Senator Sumner reported Bismarck as declaring that—

“Germany had in the United States her second largest state after Prussia.”

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of State records in his *Journal*<sup>2</sup> an incident of a meeting of the Cabinet during the early days of the war:

"While we were talking," he writes, "news was brought in from the Associated Press that Weissenbruch had been captured by the Prussians after a bloody fight. The defeat of the French did not seem to make anyone less cheerful."

During the same Cabinet meeting President Grant conversed with the Assistant Secretary on the relations of the United States to the belligerents. He instructed Mr. Davis to inform Mr. Berthemy, the French Minister, when the opportunity offered, "That it was the intention of the United States Government to preserve a strict neutrality in the war, but that he must not be surprised if a strong feeling manifested itself among the people in favor of the Prussians; that the people had good memories, and they remembered that while the Germans sympathized with the Union and took its bonds freely during the war the French people had manifested no sympathy for the Union but had negotiated a loan for the Rebels, and the French Government had sent an expedition into Mexico which had been construed by the people as an act hostile to this country." That the President's predictions were verified was attested by Mr. John M. Read, an American consular official in Paris, who wrote<sup>3</sup> that there was a very strong prejudice in that country against Americans on account of the sympathy shown by the people of the United States for Germany. The French Minister, M. Berthemy, analyzed<sup>4</sup>

<sup>2</sup> J. C. B. Davis, *Journal*, 1870-71 (August 5, 1870).

<sup>3</sup> J. C. B. Davis Mss.

37 AVENUE AUSTIN,  
Paris, August 16, 1870..

JOHN MEREDITH READ TO DAVIS:

"... Since the war was declared I have been charged with the consular affairs of the North German Confederation throughout France and as the representative in this particular of the "Prussians" I am not looked upon with favor by the masses of the French. There is a very strong prejudice against all Americans on account of the sympathy shown by the people of the United States for Germany, and when one adds to this the offense of representing in any respect the "Prussians" it does not add to one's safety."

<sup>4</sup> J. C. B. Davis, *Journal*, September 6, 1870. Also *Congressional Globe*, 42d Congress, 2d Session, Part 2, 1871-72, p. 1069.



the American sentiment as divided along party lines, the Democrats favoring the French and the Republicans sympathizing with Germany. The Assistant Secretary of State replied to him that he had not himself been aware of such a division; that it was his private opinion, however, that the American sentiment was personal to the Emperor and his dynasty and not against France or the French people. The French Minister could not wonder that there should be in the United States such a feeling against the Emperor and his government because of their policy during the recent American war, when they gave aid to the Rebels by permitting loans in Paris to the Confederacy, and in addition to this, attempted to establish a monarchy on the southern border of the United States. The political division mentioned by the French Minister was also voiced in Congress, Senator Morton, of Indiana, declaring it to be a notorious fact that the sympathy of the Republican party, as a general thing, was in favor of Germany and against France, and equally notorious that the sympathy of the Democratic party was for France and against Germany. Among the reasons for this, he stated, were the liberal sentiments of the Germans, which accorded with the principles of the Republican party. There was also the feeling that Louis Napoleon, a usurper, had overturned a republic and had declared war against Germany without adequate and proper cause.

Sentiments toward the two warring countries found expression in a Senate discussion<sup>5</sup> over the sending of a relief ship to Europe. The joint resolution provided that a naval vessel be authorized to carry to Europe "such supplies as may be furnished by the people of the United States for the destitute and suffering people of France and Germany." This resolution being introduced in February, 1871, after the German armies had overrun France, one of the Senators, Mr. Howard, of Michigan, declared that he did not consider that the Germans were in need of any supplies from the United States, and moved to strike out the words "and

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<sup>5</sup> Congressional Globe, 1870-71, Part 2, p. 954 ff, 41st Congress, 3d Session, February 4, 1871.

Germany." This motion called forth prompt opposition and led to a discussion of the comparative relations of the United States to the two belligerents. Senator Pomeroy, of Kansas, declared that though the French were the ancient allies of the United States, the Germans were the modern allies, had helped to recruit the northern armies with men and had saved the life of the nation. Senator Morton, of Indiana, stated that this war was inaugurated and brought on by France—that he could sympathize, however, with the suffering of the French people, who were in no way responsible for it. Mr. Fowler, of Tennessee, took a different stand. He said he failed to see any evidence that Germany had ever been an ally of the United States or that the country had received any particular assistance from Germany during the late war, and that since the German Government's raid on the people of France after the battle of Sedan he had personally no sympathy with it. Senator Stewart, of Nevada, reminded him that Germany alone had taken five or six hundred million dollars of United States bonds when the country was most in need of credit and when those bonds were debarred from the exchange in London and from the Bourse in Paris. The Senator from Tennessee replied that that fact only showed that the Germans had made a good business investment, that, moreover, he had never seen any effort on the part of the Germans to establish free and independent governments, but that they had shown a concentration of despotic power, while the French people were the freest on the continent and had been constantly struggling for free institutions. At this juncture Senator Schurz, of Missouri, rose to the defense of the land of his birth and declared that he did not think there were any governments on the face of the globe who expressed their sympathy with the cause of the Union as straightforwardly and emphatically as the Government of Prussia and the German governments generally, and it was the same with the German people. Moreover, in the matter of the United States bonds, these were taken by Germany when the issue of the war was by no means decided; it was a dangerous venture, but they embarked on it because they believed in the

Republic of the United States, had faith in the great destinies of the country, and because their sympathies impelled them to risk their interests with the fortunes of the American Government. In conclusion of the discussion, Senator Sumner, of Massachusetts, acknowledged the equal debt of the United States to both nations. After reviewing the services of France at the time of the Revolution and the permanent obligation arising from it, he continued:

"But is our obligation to Germany less? I cannot forget that this great country, fertile in men as in thought, has contributed to ours a population numerous and enlightened, by which the Republic has been strengthened and our civilization elevated. France contributed to national independence, Germany to national strength and life. How shall I undertake to determine the difference between these two obligations? We owe infinitely to France, we owe infinitely to Germany."

The discussion gave no evidence of a division of sentiment on political lines, all the speakers being Republican, but was in general illustrative of the prevailing friendly feeling toward the German nation at this time.

An extreme exponent of this attitude was Mr. George Bancroft, American Minister to the North German Union and subsequently accredited to the German Empire. His dispatches to Mr. Hamilton Fish, Secretary of State, and to his own nephew, Mr. J. C. Bancroft Davis, then Assistant Secretary of State, are filled with sympathy for the German cause in the war, with admiration for German character and institutions and with unaffected effort to promote a very close political relationship between the new Empire and the United States. He considered the war throughout to be one of "aggression" and "without a cause"<sup>6</sup> on the part of France, and one of self-defense on the part of Germany. When, after the series of Prussian victories, which he terms "magnificent," the

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<sup>6</sup> J. C. B. Davis Mss., Bancroft to Davis, Berlin, September 5, 1870. Also Bancroft Mss., No. 136, Berlin, September 21, 1870. See also in J. C. B. Davis's Mss. a letter from Henry W. Ryder, American Consul at Chemnitz, to Davis, August 30, 1870.

demands against France were presented by Bismarck, Bancroft<sup>7</sup> reported that these demands were considered throughout neutral

<sup>7</sup> Bancroft Mss., No. 136.

AMERICAN LEGATION,  
BERLIN, September 21, 1870.

SIR:

I am able to report to you on the best authority the views which are entertained by the allied German governments in relation to the conditions of peace to be established between themselves and France. The pledges for peace contained in the Plebiscite so lately adopted in France have not been made good. Events have shown that excitability of the disposition of the French nation. The majority of the French Chamber, the Senate, and the organs of public opinion through the press have demanded a war of conquest against Germany so loudly that the isolated friends of peace lost all courage to oppose, and the Emperor may have thought himself justified in asserting that he had been forced into the war by public opinion.

In view of these facts the German allied governments cannot find a guarantee of peace in the disposition of the French people. They must not therefore deceive themselves into the belief that there is no reason to expect after this peace a speedy renewal of attack. Whatever may be the conditions which may be demanded from France, the French nation will never forgive the series of defeats which have attended their present war of aggression. Even though the Germans were to demand no cession of territory, no indemnity, no advantage except the glory of their arms, there would remain the wounded self-love of the French people and their hereditary desire of conquests, and they would only wait for a day when they might hope to renew the war with better success. The forbearance of the German Governments in 1867 was due to their desire not to conjure up an era of bitterness and angry passions, but by patience and the careful culture of friendly relations between the two nations to lay the foundations of an era of peace and reciprocal good-will. As this moderation failed of its effect, and as the Germans against all their efforts have been compelled to encounter a war of aggression, they regard it henceforward as necessary to look for some securities against the next attack other than can be found in the good-will of France. The guarantees which were established in 1815 against the same ambition of the French people have lost their effect and Germany must now rely on its own strength and its own resources. The Germans ought not to be continually exposed to the necessity of again making the same exertions which they have done at this time, and material securities are therefore needed for their own protection and for the preservation of the peace of Europe. These securities are to be demanded not from any transient government of France but from the French nation, which has shown itself ready, as the history of past centuries proves, to follow any government into war and under any government to seek acquisitions of territory from Germany. In order therefore to establish peace, securities must be obtained against the next imminent attack from France and that can be found only in the change of the present defenseless boundary of South Germany, so that the point from which future attacks may emanate may be more remote and the fortresses with which France has hitherto threatened Germany may so far be brought into the power of Germany as to constitute hereafter defensive bulwarks against invasion.

The views which I have here detailed to you I know to be those which are entertained in the cabinets of the German princes. They also exist in all but irresistible strength in the mind of the German people.

I will add but one remark of my own: A true guarantee for Germany against future attacks from France would be the political union of Germany itself, and the most earnest negotiations are now pending between N. Ger-



Europe to be "moderate" and to be necessary securities against the "next imminent attack from France." Should Germany retire from France, he wrote,<sup>8</sup> leaving boundaries as they were, France would soon renew the battle for the Rhine, and as the

many on the one side, and S. Germany, especially Württemberg and Bavaria, on the other, for the accomplishment of that object. Germany, being united, will have nothing to fear from France on the one side, or Russia on the other.

Bancroft Mss., No. 145.

AMERICAN LEGATION,  
BERLIN, September 29, 1870.

SIR:

On the 24th of this month I sent you the following telegram:

Fish, Secretary, Washington, District Columbia,

"Bismarck offered Favre truce. Conditions: Convention to be called; Germany to hold Strasburg, Verdun, Toul. Yesterday Favre rejected offer.  
BANCROFT."

"The account conveyed in the telegram is authentic. In the opinion of Europe the terms offered were moderate. The statement that the Germans demanded Mount Valerien is a misrepresentation. Now, the fall of Toul has been followed by the momentous event of the surrender of Strasburg just 189 years after the day on which it was seized by Louis XIV. Seventy thousand troops are thus set free to invade southwestern France; the left wing to touch Lyons. The effects of the surrender on the war are immense. I cannot represent to you strongly enough the fixedness of the purpose of Germany to retain Strasburg and with it Alsace as a part of Germany. All Germany demands it from a patriotic national feeling, S. Germany as a necessary defense. The acquisition of this territory proves the strongest incentive to the S. Germans to form themselves into one empire with the N. Germans, for Alsace is the bulwark of S. western Germany and the trans-rhinane possessions of Bavaria leave her no option but to overcome her jealousy of Prussia and assist in forming a united Germany. . . ."

<sup>8</sup> J. C. B. Davis Mss., Bancroft to Davis.

BERLIN, October 12, 1870.

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"This government disclaims utterly any desire for territory as such, and wishes for no acquisition for Prussia; the change of boundary is the demand of the military as a line of defense. Were Germany to retire from France now, leaving boundaries and fortresses as they were, France would soon renew the battle for the Rhine. The day will inevitably come when Belgium will be annexed to France, and then the German-Rhenish provinces would be exposed to the most imminent danger. To guard against it, Germany demands Strasburg, a demand which is now in Europe not censured as extravagant; Germany demands also Metz, and on that the European mind is more divided. These demands are made primarily in the interests of South Germany, whose princes formerly constituted the Rheinbund of Napoleon, and have held their lands on sufferance. France holding Strasburg could at any time march to Munich. This sense of danger is controlling, and you may set it down as fixed and resolved upon to hold at the peace both Metz and Strasburg. On the right of demand I give no opinion; but peace depends on its being complied with."

day would come when Belgium would be annexed to France, the German Rhenish province would be exposed to imminent danger. To prevent this Germany was demanding Strasburg, and this demand was not censured in Europe as extravagant. With regard to the demand for Metz, opinion was divided, and while not expressing his own opinion on the right of this demand, the minister asserted that peace depended on its being complied with. "Finally," he wrote, "I will not withhold my opinion that the German armies are now engaged in a war not only for the peace, independence and union of Germany, but also for the best interests of civilization, of civil and religious liberty and of popular freedom."<sup>9</sup>

Holding such a viewpoint toward the two belligerents, it is not surprising to find the American minister hoping for some evidence of similar feelings on the part of his home government. In September, 1870, Mr. Bancroft<sup>10</sup> wrote in confidence to his nephew, Mr. Davis, that he had been hoping to see from Mr. Fish "some good strong word expressing a complaint of a declaration of war so injurious to commerce and without a cause," or if this could not

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<sup>9</sup> Bancroft Mss., No. 121 (to Secretary of State Fish).

<sup>10</sup> J. C. B. Davis Mss., Geo. Bancroft to Davis. (Secret and confidential.)

"DEAR JOHN:

I have been hoping to see from Mr. Fish some good strong word, not violating neutrality, but perhaps expressing a complaint of a declaration of war so injurious to commerce without a cause, and if that cannot be, then what all Europe and all neutral governments would respond to, an energetic remonstrance against the needless cruelties exercised toward the Germans domiciled in France, a most numerous, a most industrious, wealthy, orderly, peace-loving, cultivated people. A good letter expressing sympathy with the Germans would have a most important effect and perhaps in our elections carry them in November. I am certain it is best, *i. e.*, right in itself and politic for the Government, in some way to mark strongly a sympathy with the Germans.

Another consideration not so free from doubt presents itself. The neutral European powers will, when the negotiations for peace begin, attempt to exercise a *pressure* adverse to the Germans. The question arises whether we could, and if we can, whether we should, exercise a counter-pressure, so as to leave the matter to be settled exclusively by the two nationalities, German and French, without meddlesome intervention from powers that like ourselves profess neutrality. I do not presume to offer an opinion on this subject, only to call attention to an aspect of the negotiations which is very likely to arise.

I am ever affectionately yours,  
GEO. BANCROFT."

be, then at least "an energetic remonstrance against the needless cruelties toward the Germans domiciled in France." Such a letter expressing sympathy with these Germans would, he declared, have an important effect and perhaps carry the home elections in November. He considered it both right in itself and politic for the United States Government "in some way to mark strongly a sympathy with the Germans." Moreover, in regard to the future, he hoped that if the neutral European powers should attempt to exercise during the peace negotiations "a pressure adverse to the Germans," that the United States would "exercise a counter-pressure, so as to leave the matter to be settled exclusively by the two nationalities, German and French."

In reply the Assistant Secretary summed up<sup>11</sup> the general attitude

<sup>11</sup> J. C. B. Davis Mss (to Bancroft, reply to September 5 letter from B.).

WASHINGTON, September 23, 1870.

"MY DEAR UNCLE:

(. . . . .)

I don't see how Mr. Fish could have well done more than he did do to manifest our individual sympathy for the German cause in this war. There was throughout the country a deep-seated feeling in their favor until it was believed they showed a determination to prolong the war for the sake of acquiring territory inhabited by a population that does not wish to come under their sway. When the public got this idea, which may or may not have been correct, they ceased to feel the intense sympathy which they had previously exhibited, and an attempt by the administration to interfere in any way in their favor, or to swerve from a rigid neutrality, would have been resented by the good sense of America.

We have not received here any evidence of needless cruelties toward the Germans in the *execution* of the decree of expulsion. Washburne has made no complaint. The decree itself may have been harsh and uncalled for, but it seems to have been a military measure, entirely within the discretion of the French military authorities. Sherman did the same thing at Atlanta—so that we are the last people who could complain of the principle.

There has been a studied and persistent pressure from the German Legation since the beginning of the war to force us into an attitude toward France inconsistent with our neutrality. Baron Gerolt has spared no effort to entrap me into improper positions. He tried to make me protest against the expulsion of the Germans. What right had we to protest in an affair which did not concern us until we were asked by the North German government to be their mouthpiece—which they have never done. He grew angry when I told him of open violations of the neutrality laws by his consul in New York, and refused at first to take any warning. And he had several times pressed similar questions upon me in a way that has obliged me to be almost harsh with the old gentleman. What he has done to Mr. Fish I cannot say. In spite of all this, we have always construed, and without giving France cause of offense, that the sympathies of the Administration are with Germany. I think I may safely say that the whole country is satisfied with the course Mr. Fish has pursued in this matter.

As to intervention on our part, I do not think that it will take place without the previous consent of both parties—nor will it take place then by any prospect if it is to be done jointly with other powers."

of the American people and the administration toward Germany. He stated that there was a deep-seated feeling throughout the country in favor of the Germans until they sought to prolong the war, in order to acquire territory inhabited by a people who did not wish to come under their rule,<sup>12</sup> after the American public had received the impression that this was being done, there was less sympathy for Germany, and "an attempt by the administration to interfere in any way" in favor of the Germans or "to swerve from a rigid neutrality would have been resented by the good sense of America." Mr. Davis set forth the difficulties encountered in maintaining that rigid neutrality. Baron Gerolt, the German Minister, he wrote, spared no effort to entrap him into improper positions, seeking to have the Government protest against the expulsion of German civilians from France. While that expulsion decree may have been harsh and uncalled for, it seemed to him to be a military measure within the discretion of the French military authorities. Moreover, he had had to complain to the German minister of the open violation of the American neutrality law by the German consul in New York, who had been assisting German officers to return to the army.<sup>13</sup> In spite of such actions he had

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<sup>12</sup> J. C. B. Davis Journal, August 29, 1870.

"Baron Gerolt said he had called in consequence of information received through the Associated Press that England, Russia and Austria intended intervening in the war to make peace, to ask what would be the public feeling in the country in regard to such an intervention—that those powers naturally looked with jealousy on the increase of German influence and power and would oppose an increase of territory. He added that he was induced to make the request because I had told him at my house that the people of this country would not look favorably on the conquest of Alsace and Lorraine.

I replied that what I had said to him I had said privately as one gentleman to another in my own house; and that I had no objection to repeat in the same way that it was my individual opinion that the demand of territory would prolong the war and in that way would not be favorably regarded by the people of the United States—but that officially I had only to say to him that while the United States do not permit European intervention in the affairs of their continent, they did not on the other hand intervene in European affairs."

<sup>13</sup> J. C. B. Davis Mss., 1870-71.

AUGUST 1, 1870.

"The Baron responded at once to my note. I told him that I had taken the liberty to ask him to call at the Department because I had seen in the newspapers and heard otherwise that Mr. Roessing, the North German



always construed, "and without giving France cause of offense, that the sympathies of the administration were with Germany."

In reference to intervention, Mr. Davis asserted that such would hardly take place without the consent of both belligerents, and not at all if it required joint action with other powers.

The claims of the German Minister and of Bancroft that the United States should issue a protest against the expulsion of German civilians from France were based on the function, which had been assumed by the American Government, of acting as protector in France of all citizens of the North German Union.<sup>14</sup> This immense work was in the hands of Mr. E. B. Washburne, United States Ambassador to Paris. In addition to other services, he distributed among needy Germans the funds forwarded to him

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Consul at New York, was receiving persons at the consulate and furnishing them with the means of returning to Germany to take part in the war, and that I thought it due to the Baron as a friendly act, to say that if that was so he had better be cautioned, as this Government intended to preserve and enforce its neutrality in this contest. The Baron answered quite testily, that Mr. Roessing had done nothing to violate our laws—that over 600 people had applied to him for means to go back, but that he had refused all except persons who had left Germany under written obligations to return in case of war and serve out their term in the army—that there were a dozen or sixteen of such persons to whom he had loaned money to pay their expenses back to enable them to go into the army—that such persons were not citizens of the United States—that we had no claim upon them—that they were bound to go back—that they were now in the Prussian army—that if they did not go back they would be deserters—that Mr. Roessing in assisting them did not violate the law—that in what he had done he had acted with the sanction of the Baron—and that they would return individually and not in squads. I got the statute and pointed out to the Baron that it was an offense to assist (?) a person within the jurisdiction of the United States to go beyond their limits with intent to enter in the service of a foreign prince, as a soldier, marine or seaman, and I told him that I was afraid that Mr. Roessing would be held by our courts to have already violated that law, and I thought it but a friendly act to caution him. The Baron replied that it could not be so. Mr. Roessing had violated no law of the United States—no court would hold so—and proceedings could be commenced against him to test it if we thought he had done wrong. Seeing the temper he was in I contented myself with saying that I had given him notice and he must exercise his own judgment as to what he would do. . . ."

<sup>14</sup> Bancroft Mss. No. 121 (to Secretary of State Fish).

Mr. Bancroft wrote that England having taken over the protection of the French in Germany would have gladly undertaken to help matters, even the protection of Germans in France. Bismarck, however, "refused to allow this and by turning over the office to our government, called the United States visibly into the circle of first class powers."

by the Prussian Government. Mr. Washburne at one time wrote to Bismarck that he was giving assistance to twenty-nine hundred Germans.<sup>15</sup> His efficient services in this capacity, while satisfactory to France, won the praise of Bismarck and the German Emperor<sup>16</sup> and contributed effectively to the good feeling in Germany toward the United States. At the time of the French order of expulsion of the North Germans from France, Mr. Washburne, acting under private instructions from the State Department, presented to the Duke of Gramont an appeal,<sup>17</sup> "in the name

<sup>15</sup> Hepner, Adolf: "America's Aid to Germany in 1870-71," No. 123.

Mr. Washburne to Count Bismarck, Paris, March 3, 1871.

<sup>16</sup> Ibid., No. 154, Prince Bismarck to Mr. Washburne:

BERLIN, June 13, 1871.

"His Majesty has commanded me to convey to your Excellency his grateful recognition of the zeal and kindness you have devoted to the interests of the German residents under circumstances of extraordinary difficulty, and with corresponding sacrifice of time and personal comfort. I beg to add the reiterated expression of the sense of obligation I shall ever preserve for the uniform promptness and courtesy I have experienced from you in a business connection of nearly a twelvemonth's duration.

With sentiments of the highest consideration, I have the honor to be  
Your Excellency's obedient servant

BISMARCK.

Also Bancroft Mss. No. 126, Bancroft to Fish, Berlin, August 22, 1870.

Also Congr. Globe, 42nd Congress, 2nd Session, Part III, p. 2456.

Cameron (of Pennsylvania), April 16, 1872.

"I ask leave to introduce a joint resolution, and in introducing it, I desire to say a single word. The Emperor of Germany, wishing to manifest his gratitude to ministers and consuls of the United States in France, is desirous of paying them some substantial compliment, but that cannot be done without the permission of Congress. I, therefore, offer a joint resolution on the subject for the purpose of having it referred to the Committee on Foreign Relations.

There being no objection, leave was granted to introduce a joint resolution (S. R., No. 6) permitting certain diplomatic and consular officials of the United States in France to accept testimonials from the Emperor of Germany for their friendly services to the subjects of the Emperor during the war between France and Germany; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed."

<sup>17</sup> For Washburne's protest to Gramont against Expulsion Order of North Germans from France see Correspondence of E. B. Washburne, Franco-German War and Insurrection of the Commune. Washington Gov. Print. Office, 1878, No. 44. Washburne to Fish, August 22, 1870, pp. 40 ff.

"I said (to Gramont) further that in carrying out the wishes and instructions of my Government, I wished in the name of humanity to make an

of humanity," to revoke the order, or if that were not possible to so modify it as to permit the larger class of Germans in Paris to remain, whose conduct could give no possible cause of complaint to the French Government." Secretary of State Fish directed<sup>18</sup> Assistant Secretary Davis to instruct Mr. Washburne to do what he could consistently with public law and with the United States' position as a neutral to mitigate the severity of the recent French order. Mr. Fish considers that, the measure being within the recognized rights of a belligerent, the United States could not "protest" but might "remonstrate" and "use good offices." Mr. Davis informed Baron Gerolt of Mr. Washburne's remonstrance and the German Minister wished to have the action of the United States made public. This, however, the Secretary, in the interests of neutrality, refused to do.<sup>19</sup>

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earnest appeal to the French Government, through him, to revoke the order if it should be considered possible; and if that could not be done to so modify it as to permit the large class of Germans in Paris to remain whose conduct could give no possible cause for complaint to the French Government."

Formal note August 17, 1870, Enclosure 2 m. No. 44, p. 46.

"Under these circumstances therefore, I feel that I should fail to discharge the full measure of the duty devolving upon me in this regard, and that I should be forgetful of the obligations of humanity did I not make the strongest appeal to the government of his Majesty, through your Excellency, to further consider this question and to ask that if it be not possible to suspend action altogether, that there may be at least some modification of the measures already taken so as to permit such subjects of the belligerent powers as are under my protection, who are now in France, to remain in the country so long as their conduct shall give no cause of complaint, and further to ask for them that protection which the law of nations accords to unarmed enemies. In making this appeal I but obey the wishes of my Government, which has instructed me to do everything which is consistent with the position of my country as a neutral, and with the law of nations to alleviate the condition of things now existing as regards these people with whose protection I have been charged."

<sup>18</sup> J. C. B. Davis Mss. Hamilton Fish to Davis, Garrisons', Tuesday morning, August 16, 1870.

<sup>19</sup> Upon the Baron's insisting, Assistant Secretary Davis informed him that he could not permit any foreign minister to advise the department as to the arrangement of its affairs and that it was for the United States Government to decide whether it would or would not make public its acts. . . .

J. C. B. Davis Journal, August 13, 1870.

"Received this morning a telegram from Washburne that Germans were ordered to quit France—that many were poor, without means to go—that great suffering might result and that he wished to know if the Prussian Govern-

A factor holding possibilities adverse to the friendly relationship between the United States and Germany at this time was the sale

ment would place means at his control to pay for their passage. Sent at once a copy to Mr. Bancroft and to Baron Gerolt. The Baron called to know what we intended to do. I answered that we had communicated the information to Bancroft, and that it was for the Prussian Government, not for us, to now decide what should be done. He said, "Will you not instruct Mr. Washburne to protest against this? It is an act of cruelty the like of which has not been perpetrated for over three hundred years. There are over two hundred thousand Germans in Paris, most of them poor operatives, and the suffering will be incredible. This must be the act of a mob. It cannot be the act of the French Government." I answered that Mr. Washburne had already protested—that three weeks ago the Duc de Gramont had given notice that it might become necessary to take such a step and that Mr. Washburne had written a long and able paper trying to prevent it, and that his course meets with the approbation of the department. I added they have the right to do this, cruel as it may be, and having decided to do it, after full representations from this government of reasons why it should not be done, it is for Prussia to decide whether she will or will not provide the means for moving these unfortunate men. He said the thing was cruel and wrong, and that at least the department ought to make public what had been done. I answered that it was for this government to judge whether it would or would not make public its acts, that in case it seemed to me proper that we should not publish what we had done—whatever were our individual sympathies, whether with France or Germany, we intended to maintain a strict neutrality and would do no act which could be construed by either party as done in the interest of the other. He showing a purpose to continue the discussion, I said I would not permit any foreign minister to advise us as to the management of the internal affairs of this department."

The whole State Department seems to have had its trials with the German minister, Baron Gerolt, who apparently was retained because of having been so long in the service. Mr. Bancroft wrote that at the least suggestion from the Department the German Chancellor would recall him.

See J. C. B. Davis Mss. Bancroft to Davis, October 12, 1870.

"As to the manner and matter of Gerolt, he would be disavowed here. I have privately requested a friend of his to give him a warning, but he is too weak and too dull to be teachable; were I to speak to the government, Bismarck, who cannot endure his imbecility, would insist immediately on his recall. So a word, a half word, or a whisper, and the good old man will be left with leisure to prepare for a better world. I would get him reproofed, but Bismarck would mark the sincerity of the reproof by removing him. Perhaps this had better be done. With France represented by an able man like Berthemy or Paradet, Germany should no longer be represented by a broken down old man who in his best years was not the wisest of mankind."

J. C. B. Davis Mss. Hamilton Fish to Davis, Washington, October 13, 1870.

"This is Thursday—"Dip. day." I am in momentary apprehension of the apparition of Gerolt with his pocket full of papers covered with German text—uncertain which is the paper he wishes to let off at me, and when he has made several mistaken selections and has appealed to me to know what it was he came to say, the good little old man at last may remember that he has been instructed to bring to my notice the shipment in French steamers of guns packed 'in original cases' having the name of the U. S., etc., etc. In



of American munitions to France. It was recognized that this was within the right of private firms,<sup>20</sup> but the question of neutrality was raised when such arms were found to bear the mark of United States Government arsenals. The protests came from the citizens and senators of German sympathies within the United States rather than from German official sources. Mr. Bancroft wrote that he had seen no evidence of dissatisfaction in Germany against the actions of the United States in this matter and that the German Government was satisfied that the President had perfectly fulfilled his duty as a neutral.<sup>21</sup> Since the close of the Civil War the United States Government had been selling wherever it could the oversupply of munitions left on its hands,<sup>22</sup> and after

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vain will I remind him of the late proclamation for which he professed so much gratitude, in vain will I tell him that France thinks the Proclamation of the 8<sup>th</sup> April unkind—that Berthemy has told me it would ‘cause great regret in France’—in vain will I tell him that during our Civil War Germany sold arms to us and also to the Rebels. All in vain—the Fable of the Justice and the Farmer—one’s bull goring the other’s ox—was made to illustrate the relative position of Belligerents and Neutrals. It can’t be helped. I shall have to listen to Gerolt. I have already listened to Berthemy.

While writing this last sentence Gerolt is announced. I go to it, invoking all the patience of which I am capable and hoping for the particular inspiration of a little more.

“Tis done—the long agony is o’er.” He had nothing to say except that he “goes this afternoon to Baltimore to see his Banker”—the only significance I can see in this important communication is in connection with a cheque which Gerolt passed through the Department to the Secretary of War yesterday for one hundred and three 27 dollars [\$103.27] to procure the release of a soldier. What may not France say to Germany for obtaining a soldier in the uniform of the United States ‘in original cases.’

By the time you return we shall have a nice batch of intricate questions—shall I keep them in ‘the original cases?’ ”

<sup>20</sup> J. C. B. Davis Mss. Bancroft to Davis (P.S., January 23, 1871 or 2).

“Our relations are too plain for question. Our treaties with Frederic the Great, with his successor and with the father of the present king all set forth in the clearest terms the right of Americans to carry contraband of war to a power at war with Prussia—all on our side having the sanction successively of Franklin, John Adams, and Jefferson, of John Q. Adams and Henry Clay. In Statutes at Large Treaties, Vol. VIII, page 90, Articles XII, XIII, page 168, Articles XII, XIII, page 384, Article XII. I have, therefore, been able here to preserve myself and you from the slightest charge of unfriendliness though regrets have been expressed as when at Orleans most all the guns taken were Springfield guns.”

Also F. R., 1871, p. 374. Bancroft to Fish, No. 160.

<sup>21</sup> Bancroft Mss. No. 156. Bancroft to Fish. Berlin, November 2, 1870.

<sup>22</sup> J. C. B. Davis Mss. Hamilton Fish to Davis. Washington, October 13, 1870.

the outbreak of the Franco-Prussian war it continued to sell these government-made arms to American munitions firms within its own borders. When, however, certain of those firms were found to be acting as agents for the French Government, these sales, according to the statement of the Secretary of State, were discontinued. Nevertheless, he wrote to Mr. Davis, that he did not see why a "manufacturer or dealer in arms three or four thousand miles off should be expected to shut up shop whenever Lew Nap and Bill Hohenzollern take off their coats and go to fisticuffs to settle which is the better man or whether their boundary should be this or that side of the goose-pond." Despite the lack of formal protest from Germany, the subject was brought up in the Senate and, upon a resolution introduced by Senator Sumner of Massachusetts, was placed in the hands of a special committee for investigation.<sup>23</sup> The committee report cleared the Government<sup>24</sup> of any infringement of the laws of neutrality, declaring that Congress having directed the Secretary of War to dispose of these stores of ammunition, they might have been delivered to Frederick William or Louis Napoleon in person, without violating the obligations of neutrality, and the decision not to sell arms to the firm of Remington & Co., had been an unnecessary prudence. The issue of this report practically closed the controversy on the subject, though Senator Sumner registered his protest against the report on the ground that the investigating committee was composed only of

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<sup>23</sup> Congressional Globe, 42nd Congress, 2nd Session, Part 2, 1871-72, pp. 953 ff. and pp. 1014 ff.

"It was Sumner's allegation that at the time when arms were sold by the Government to Remington it was known that the firm was an agent of the French Government. This was denied by opponents of the measure, who contended that Mr. Sumner and Mr. Schurz were trying to establish a case which if established would authorize Prussia to demand an apology and indemnity for a violation concerning which it had not occurred to that country to protest."

<sup>24</sup> Senate Report No. 183 "Sales of Ordnance," 42nd Congress, 2nd Session, p. XII also pp. XVII and XVIII. Conclusion of report.

"Your Committee, duly jealous of the honor of our country and the reputation of the officers of our Government, have great satisfaction in being able, after the most thorough and impartial investigation, to say that there is nothing in these transactions which reflects dishonor upon either."

those opposed altogether to the inquiry.<sup>25</sup> The general subject of munitions sales had received more attention from Congress than from the diplomatic departments of the two countries involved.

Among many common interests pointed out by Mr. Bancroft between Germany and the United States was an agreement expressed at this time on policy toward the Far East. The Chinese mission under Mr. Anson Burlingame<sup>26</sup> received a cordial welcome in Germany and the Chancellor marked throughout its stay a sympathy with the Chinese<sup>27</sup> and a desire to "do his part in saving

<sup>25</sup> Congressional Globe, 42nd Congress, 2nd Session, Pt. 2, 1871-72, p. 3325. Carl Schurz: "Speeches," etc., vol. V, p. 34 ff.

To Edward L. Pierce.

NEW YORK, November 23, 1889.

"The Senate constituted the investigating committee for the evident purpose of acquitting. In defiance of well-established customs, those who moved the inquiry were rigidly excluded from membership. On the contrary they were made to appear as accused parties. I was, however, permitted to ask questions. Nevertheless, the investigation clearly established two things:

I. That the rule of neutral duty as laid down by the Administration itself had been glaringly violated, and that the defense of the War Department consisted of the most transparent subterfuges; and

II. That in making these sales the laws governing the sale of arms and ammunition of the Government had been most unceremoniously set aside."

Memoirs and Letters of Charles Sumner by Edward L. Pierce, vol. IV, pp. 504 to 514.

In connection with the debate in the Senate on the subject of munitions sales to France, Senator Schurz answered the charge that it was "unpatriotic to expose a breach of neutrality on the part of the Administration," saying, "The Senator from Wisconsin cannot frighten me by exclaiming, 'My country, right or wrong!' In *one* sense I say so too. My country—and my country is the great American Republic—my country right or wrong; if right, to be kept right, and if wrong to be set right!" a retort which drew applause from the galleries."

<sup>26</sup> Bancroft Mss. No. 65. Bancroft to Fish. Berlin, January 18, 1870.

<sup>27</sup> Bancroft Mss. No. 73. Bancroft to Fish. Berlin, March 3, 1870.

According to Mr. Bancroft, Mr. Burlingame met with a very different policy on the part of France.

"P. S. Secret. In Paris Mr. Burlingame at first met with some obstructions. The French minister was slow to receive the idea that China could lay claim to equal respect. One day de Lavalette talked to him in a very high strain in the interest of the Roman Catholic Church. Claims were even put forward for property belonging to the Catholics centuries ago before they were driven out of the empire and very high words were used and even menaces of war by de Lavalette in regard to the liberty and protection that are now to be

the Chinese Empire from disintegration." The American minister asserted, further, that he had reason to believe that Count Bismarck was "particularly pleased to place his country side by side with the United States on a question so important not for commerce only, but for the future history of the world." In regard to the measures to be taken at this time by the powers for the protection of native Christians in Japan,<sup>28</sup> the German Government (then the government of the North German Union) instructed its representatives to act in harmony especially with the representatives of the United States. At the request of the American Government, Count Bismarck during the Franco-Prussian war agreed to sign a truce with France in regard to the naval forces of the two countries operating in Chinese and Japanese waters.<sup>29</sup> In general, Mr. Bancroft wrote to the Secretary of State<sup>30</sup> that he was

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accorded to missionaries in every part of the Chinese empire. The language of the French minister became at last so unreasonable and menacing that Mr. Burlingame interrupted him saying, 'I see that I must write to the Chinese Government that they must prepare for war; but if France should really undertake a war against China I assure you it would not be a short or a light war but a very serious one (far more serious than the affair in Mexico), one of the most difficult and serious in which France was ever engaged.'"

<sup>28</sup> Bancroft Mss. No. 99. Bancroft to Fish. Berlin, June 9, 1870. (See footnote 30.)

<sup>29</sup> Bancroft Mss. No. 162. Bancroft to Fish. Berlin, November 16, 1870.

"SIR:

Your communication respecting a truce respecting France and Germany in the Chinese and Japanese waters, was forwarded to Headquarters, and I have received from the foreign office the telegraphic answer of Count Bismarck of the 14th of this month in which he declares that the minister of the marine sees no objection to the concluding of a formal convention as proposed by America for the Japanese and Chinese waters, and I have been requested to communicate to you the assent of this government. I annex to the Despatch a copy of the telegram.

I remain, Sir,

Yours sincerely,

(signed) GEO. BANCROFT."

Telegram to Count Bismarck from Versailles to the Foreign Office, Berlin, November 14, 1877.

"Marine Minister kein Bedenken gegen den von Amerika vorgeschlagenen Abschluss formlicher Convention fuer die japanesisch-chinesischen Gewaesser. Bitte Herrn Bancroft unsere Zustimmung auszusprechen."

BISMARCK.

<sup>30</sup> Bancroft Mss. No. 90. Bancroft to Fish.

AMERICAN LEGATION,

BERLIN, May 23, 1870.

"SIR:

Your instruction No. 190, was, in substance, immediately communicated by me to the North German Government. I particularly explained the



authorized to state that the German Government desired "to hold the same policy with the United States in its dealings with China and Japan and would always be found ready to develop that policy which the common interest and sense of justice of the two nations had initiated."

With the proclamation of the republic in France and its prompt recognition by the United States<sup>31</sup> there was presented the problem of the United States' mediation between the two belligerents. A request that the United States join the other powers in intervention for the purpose of peace was presented by the French Minister of Foreign Affairs immediately on receiving the news of the United States' recognition of the new republic. The proposal for joint action was at once rejected<sup>32</sup> as being contrary to a uniform

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caution which you desired to exercise in the Chinese seas and the grounds of it. In reply I have received hearty assurances of the wish of this Government to go hand in hand with the United States in its Eastern Asiatic policy. It accepted unconditionally every suggestion made by you. . . ."

Bancroft Mss No. 99. Bancroft to Fish.

AMERICAN LEGATION,  
BERLIN, June 9, 1870.

"SIR:

Today I am able to reply to your No. 192 of April 18, '70, in relation to the systematic persecution of the native Christians by the authorities of Japan. The protocols of the conferences of the representatives of the treaty powers were duly communicated to the cabinet of Berlin. This Government is sincerely disposed to move in concert with the U. S. It has therefore instructed its representatives in Japan to act in harmony with his colleagues, especially with the representative of the U. S. The instructions direct him for the present at least not to employ force and not to make any menace of an intention to employ force, but if by any necessity armed force should be employed by the U. S. and North Germany for any other imperative reason, it might then become not improper to take advantage of the situation to speak with more energy for the protection of the Christians in the Japanese Empire. This Government will be willing to issue to its own representatives instructions analogous to yours.

I am authorized to add as a general rule this Government desires to hold the same policy with the U. S. in its dealings with China and Japan and will always be found ready to develop that policy which the common interest and sense of justice of the two nations have initiated.

I remain, Sir,

Yours sincerely,

(signed) GEO. BANCROFT.

<sup>31</sup> F. R., 1870, pp. 111, 116 and 117.

<sup>32</sup> J. C. B. Davis Journal.

SEPTEMBER 8, 1870.

"The President called at 11 o'clock. I told him that Washburne had recognized the new government in Paris and that Favre had expressed profound emotion. I read the dispatch stating that France desired me to join the other powers in efforts for peace. He said that his impressions were against that. I said that mine were, too, and that in no event would I make a joint effort, to which he assented. . . ."

foreign policy of the United States, but Mr. Bancroft was instructed<sup>33</sup> to ascertain whether Germany desired to have the good offices of the United States interposed. The American minister advised emphatically against intervention<sup>34</sup> in any form, on the ground that it would be rejected by Germany and therefore prove embarrassing to the American Government and of no benefit to any other. In fuller explanation of his cabled message, Mr. Bancroft set forth in two despatches<sup>35</sup> further reasons why the

<sup>33</sup> F. R., 1870, p. 193.

No. 142.

Mr. Fish to Mr. Bancroft (telegram).

DEPARTMENT OF STATE,  
September 9, 1870.

"Washburne telegraphs that France requests United States to join other powers in effort for peace. Uniform policy and true interest of United States not to join European powers in interference in European questions. President strongly desires to see war arrested and blessings of peace restored. If Germany also desires to have good offices of United States interposed, President will be glad to contribute all aid in his power to secure restoration of peace between the two great powers now at war, and with whom United States has so many traditions of friendship. Ascertain if North Germany desires such offices, but without making the tender thereof unless assured they will be accepted."

FISH.

<sup>34</sup> F. R., 1870, p. 206, No. 160.

Mr. Bancroft to Mr. Fish (cable telegram).

BERLIN, September 11, 1870.

(Received September 11.)

"No time now for America to intervene. Germany rejects all foreign interference. Every other power holds back. America would stand alone and unable to accomplish anything. Our interest, dignity require us for the present to stand aloof."

BANCROFT.

<sup>35</sup> Bancroft Mss. Nos. 132 and 133.

No. 132.

AMERICAN LEGATION, BERLIN,  
September 12, 1870.

"Nothing can be more easy than to give an answer to your inquiries by telegram. In the first place, no power of Europe has as yet made any effort at mediation or intervention or interference for the restoration of peace between Germany and France; and therefore there are no powers which the United States could join. Secondly, at the time when France meditated the unprovoked declaration of war, neither a European power nor the United States interposed their influence to prevent the war of aggression and conquest. It is therefore the unanimous opinion of Germany, expressed in the most solemn manner by addresses from its considerable cities, that Germany and France should, without foreign interposition, be left to themselves to settle the peace. The German Government have not formally given their adhesion to these addresses, but I have no doubt that they substantially express their policy. I give it as my undoubting opinion, that the interposition of the

United States should undertake no action at that time between the warring powers. When France meditated, said Bancroft, "the unprovoked declaration of war, neither a European power nor the United States had interposed their influence to prevent the war of aggression and conquest." It was therefore the opinion throughout Germany that the two nations should be left to themselves to settle the peace. Moreover, if the various European powers should "combine to exercise a pressure unjustly on either

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United States as a mediating power would, at the present time prove embarrassing to our own Government and of no benefit to any other."

No. 133.

AMERICAN LEGATION, BERLIN,  
September 12, 1870.

"SIR:

In further reply to your telegram received on the tenth, it may be said that many reasons exist why the American Government should as yet adhere strictly to its traditional policy with regard to foreign affairs. Should the European powers combine to exercise a pressure unjustly on either of the belligerents the question might arise whether the United States might not properly exercise a counter-influence on the side of right. Even in this contingency there would still be room for doubt. As things stand at present, I think the United States cannot interfere in any manner consistent with its dignity.

We all as Americans are ready to welcome the restoration of the republic in France, and to desire for it a chance for free development. I certainly wish to see it established as the permanent form! The strength of our republican sympathies formally expressed by our highest representative in France might in the eyes of many unfit us for the strict impartiality of a mediator.

A great difficulty presents itself at the threshold in the want of a recognized government in France. We acknowledge that which has just been constituted at the Hotel de Ville but more than half of Europe has not done so. Germany has not done so. The United States would therefore appear in the attitude of deciding for Europe and for one of the belligerents the question as to the valid government of France. In about three weeks France has seen three ministers succeed each other. We may believe in the permanence of the present ministry, but a large part of Europe will hardly do so. It is uncertain if the people of France would consider themselves bound by a peace which the present government should form. There are many who insist that according to legal forms the regency has not been properly deposed and that the new ministry has not yet received the sanction of a popular vote or a politic constituent assembly.

To those who reason in that way General Trochu is the only authorized agent of the government. For he had the sanction of the two chambers of the regency and also of the gathering at the Hotel de Ville.

Further the United States would be embarrassed in any attempt to suggest just and proper conditions of peace. . . . The demands of moral support on the side of France would necessarily be very exacting, so that the attempt to befriend might end in the deep and permanent dissatisfaction of the party that asked to be befriended. The Germans are bent on the reannexation of Alsace and German Lorraine. This is a point on which the United States Government might prefer not to give advice."

of the belligerents the question might arise whether the United States might not properly exercise a counter-influence on the side of right."<sup>36</sup> There was also the difficulty of determining whether the present ministry in France, though recognized by the United States, was a permanent one. Furthermore, "the United States would be embarrassed in any attempt to suggest just and proper conditions of peace." The Germans were bent on the "reannexation of Alsace and German Lorraine," and this was a question "on which the United States might prefer not to give advice." From the various reasons set forth by Mr. Bancroft, it is evident that the American Minister did not wish the United States to be a party to any movement that would rob Germany of the fruits of victory.<sup>37</sup> These reasons set forth by Mr. Bancroft were acknowledged shortly afterward by the Secretary of State<sup>38</sup> to be "among

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<sup>36</sup> J. C. B. Davis Mss. Bancroft to Davis. September 5, 1870.

There is little difficulty in determining the belligerent referred to by "the side of right." (See confidential letter to Davis, quoted in footnote 10.)

<sup>37</sup> Carl Schurz: "Speeches," etc., vol. I, p. 519 ff.

This viewpoint was also held by Senator Schurz.

Letter from Carl Schurz to Hamilton Fish, Sec'y of State.

ST. LOUIS,  
SEPTEMBER 10, 1870.

"The telegraph informs me that the President has signified to the Prussian Government his willingness to serve as a mediator between the belligerents in Europe. Judging from the tone of the German press and all the indications which float on the surface, there seems to be but little probability that the offer will be accepted. I am glad you disclaimed at the same time any intention on the part of the United States to take part in any combination of neutral Powers for the purpose of bringing about a settlement of the conflict. From a purely American point of view I think it will be the best policy for us to let the denouement of that war take care of itself. As to giving an expression of our moral sympathy with the Republic as such—and in France it exists only in name—Mr. Washburne has devoted himself to that in his own way. I fear he has created hopes which will be doomed to disappointment; the men who have undertaken to revive the traditions of 1792—an impossible task under existing circumstances—will be apt to catch at straws and then abuse other people for leaving them in the lurch, because the straws are not timbers."

<sup>38</sup> F. R., 1870, p. 194, No. 146.

Mr. Fish to Mr. Bancroft.

DEPARTMENT OF STATE,  
WASHINGTON, September 30, 1870.

No. 246.

"SIR: Your dispatch No. 133, of the 12th instant, has been received.

The reasons which you present against an American intervention between France and Germany are substantially among the considerations, which



the considerations which determined the President" in the policy of "rejecting all idea of mediation unless upon the joint request of both of the warring powers."

A further important factor creating in the United States a marked friendliness toward the new German Empire was the prevailing belief that that Empire represented really a confederation, the United States of Germany, and that the German people were going through a unification process very similar to that of the original American States. It was the conviction of American statesmen that the unification of Germany signified the adoption in Europe of the American system of federation and American liberal ideas of representative government. The outcome of the American civil war was held to have demonstrated the success of a republican form of government and to have therefore influenced the German statesmen to try a similar form. Referring to the constitution of the North German Union, Mr. Bancroft asked Count Bismarck<sup>39</sup> whether the striking points of resemblance

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determined the President in the course and policy indicated to you in the cable dispatch from this office on the 9th instant, and in rejecting all idea of mediation unless upon the joint request of both of the warring powers.

It continues to be the hope of the President, as it is the interest of the people of this country, that the unhappy war in which France and North Germany are engaged should find an early end.

This Government will not express any opinion as to the terms or conditions upon which a peace may or should be established between two governments equally sharing its friendship, but it is hoped that the prolongation of the war may not find its cause either in extreme demands on the one side, or extreme sensitiveness on the other side.

So far as you can consistently and without any official interposition of advice or of counsel, it is hoped that you will lose no proper opportunity to indicate the wishes and hopes of the President and of the American people as above represented, and to contribute what you may to the presentation of such terms of peace as befit the greatness and the power which North Germany has manifested, and as shall not be humiliating or derogatory to the pride of the great people who were our earliest and fast ally.

I am, sir, your obedient servant,  
HAMILTON FISH."

<sup>39</sup> Bancroft Mss. (Table conversation with Count Bismarck.)

THURSDAY, September 26, 1867.

"During dinner he was exceedingly courteous directing a word to one and another but talking with me more than the rest. I reminded him of the strong points of resemblance between our constitution and the constitution of the North German Union, and asked him if it was the result of imitation or that the same necessity led to the same results. He said 'a little of each.' The Bundesrath he regarded as in fact a Chamber. It had the power of pro-

between it and the constitution of the United States were the result of imitation or whether "the same necessity led to the same results," and the Count replied, "a little of each." Later the American minister reports<sup>40</sup> that in remodelling the constitution

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posing laws, amending them and negating them. The members of it were indeed subject to recall, but then, though they appeared as the representatives of various sovereigns, those sovereigns were restrained by their respective constitutions, representative assemblies and responsible ministries so that there was none of them likely to send a delegate who should not substantially represent the opinion of the state to which he belonged."

<sup>40</sup> Bancroft Mss. No. 152.

AMERICAN LEGATION,  
BERLIN, October 17, 1870.

"SIR:

There is much discussion of the constitution best adapted to United Germany. For centuries the English constitution was for continental Europe the model of constitutional freedom; but it is no longer looked to for an example, and the constitution of the United States is now the study of the statesmen who wish to renovate Europe. A federal union is now become the ideal. The opinion prevails that the system of two legislative chambers is better than that of one and that the present Reichsrath of North Germany is not sufficiently invested with co-ordinate powers of legislation. The want is felt of a body like our Senate, which should have an organic life as a whole and life in all its parts. The Councillor who last went from the Foreign Office to Headquarters took with him a copy of the Constitution of the United States and a commentary upon it. As the several provinces of Prussia and all the states of Germany have their respective Diets, a Senate for Germany might be elected precisely in the same manner as our Senate is elected.

In a leading article of the 11th of this month the new Prussian gazette, reputed to be the organ of conservatism, eulogizes our Senate as the body that harmoniously unites the principle of general union and the principle of the vitality of the several states, and in commenting on the forms necessary for Germany it remarks: "The Senate of the United States of America gives the most striking proof that such a house of states is not a mere monarchical and still less a mere feudal institution, but that it is necessary for every federal union, if that union is also to maintain its federal character."

As yet the members of the Reichsrath will be chosen by the several provincial legislatures, but the principle of election and not of descent is established and will not be changed. In the present constitution of the North German Union there is no hereditary power whatever recognized except that of its head and I believe that no change in this respect will take place. Suggestions have indeed been made for the establishment of a house of princes, but I think that the question has been settled in favor of the example of the United States. Germany will have an elective senate, not an imitation of the British House of Lords. The federation union of all Germany has not as yet been definitely agreed upon; but to my question the answer from those who know best is that there is good ground for hope. The difficulty at present lies mainly in settling the place of Bavaria in the event of a general union. At the present moment it seems probable that the King of Prussia will not be proclaimed Emperor of Germany; that the present North German Union will become more nearly a German union; and that it will remain, as it now is, a republic with a permanent hereditary executive. According to our American ideas of republicanism, there is more of solid, substantial, law-respecting, enduring republicanism in Germany than in any other state of Europe, not

of the North German Union to suit the needs of United Germany, German statesmen were studying the constitution of the United States rather than that of Great Britain, since a federal union had become their ideal. The United States Senate was praised in the German press as "a body that harmoniously united the principle of general union and the principle of the vitality of the several states." In the constitution of the North German Union no hereditary power was recognized except that of its head, and Mr. Bancroft believed no change would take place in that respect in the enlargement of the union. At that time (October, 1870) it seemed to him probable that the King of Prussia would not be proclaimed Emperor of Germany but that the country would remain, as he then considered it, a republic with a permanent hereditary executive. In summing up the political situation the American minister wrote to the Secretary of State:

"According to our American ideas of republicanism there is more of solid, substantial, law-respecting, enduring republicanism in Germany than in any other state of Europe, not excepting England, and it proceeds in part from the character of the German mind, in part from the very great number of little republics with which Germany was crowded through many hundred years, till the close of the last century and even in the beginning of the present. This has had an influence on laws, language and precedents which facilitate the general transformation of Germany into a popular, federal union."

The final change of name for the "Chief of the United States of Germany" from that of President to that of Emperor was made, according to Bancroft,<sup>41</sup> at the request of Bavaria. The title of Kaiser, he asserted, was not especially in favor, regenerated Germany having renounced all affinities with the Roman empire of the

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excepting England, and it proceeds in part from the character of the German mind, in part from the very great number of little republics with which Germany was crowded through many hundred years till the close of the last century and even in the beginning of the present. This has had an influence on laws, language and precedents, which facilitates the general transformation of Germany into a popular, federal union."

<sup>41</sup> Bancroft Mss. No. 165.

middle ages. In general the American minister expected to see for United Germany the establishment of the "most liberal government in Europe." In one sense he considered it the "child of America," since but for the success of the Union cause in the American civil war it would not have been established. That success "sowed the seeds of regeneration of Europe," of which the New Germany was a product.

This opinion that the New Germany stood for liberal tendencies of government was not held by Bancroft alone. Senator Schurz, himself a fugitive from Prussian rule in 1849, predicted<sup>42</sup> at this time that in spite of the monarchical form of government Germany would turn out to be "the most progressive power, steadily progressive." This new Germany and the United States together would have to make the international law of the world and the two nations would find their interests to agree on all essential points. President Grant himself emphasized the similarities between the two unions, the American and the German. In a special message to Congress<sup>43</sup> in February, 1871, in which he

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<sup>42</sup> Carl Schurz: "Speeches," etc., Vol. I, p. 519 ff.

Letter from Carl Schurz to Hamilton Fish, Sec'y of State.

ST. LOUIS, September 10, 1870.

"One thing is settled now. Germany is destined to be the great power of Europe, and it will be a very substantial one. There are no humbugs and shams about it. It is all solid and real from top to bottom. And in spite of its monarchical form of government, it will also turn out to be the most progressive power, steadily progressive. And this Germany and the United States together will have to make the international law of the world. I expressed that opinion long before Sadowa, and now it must be apparent to everyone who knows the two countries. They will find their interests to agree in all essential points, and before long they will, without pre-concert, meet in the pursuit of common objects, especially as far as the regulation of the trade of the world is concerned. We ought to keep this prospect in view in all our diplomatic doings."

<sup>43</sup> House Misc. Doc. 210, Part 7, 53rd Congress, 2nd Session. "Messages and Papers of the Presidents." (Richardson), p. 120 f.

EXECUTIVE MANSION,  
February 7, 1871.

"To the Senate and House of Representatives:

The union of the States of Germany into a form of government similar in many respects to that of the American Union is an event that cannot fail to touch deeply the sympathies of the people of the United States.

This union has been brought about by the long-continued, persistent



recommended that the American representatives at Berlin be placed on the same footing with the American representatives in London and Paris, he took occasion to sum up the many common interests of the two countries. The American people, he declared, saw in the union of Germany an attempt to reproduce in Europe some of the best features of the American constitution. The local governments of the several states were preserved while the power conferred on the chief would impart strength for purposes of self-

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efforts of the people, with the deliberate approval of the governments and people of twenty-four of the German States, through their regularly constituted representatives.

In it the American people see an attempt to reproduce in Europe some of the best features of our own Constitution, with such modifications as the history and condition of Germany seem to require. The local governments of the several members of the union are preserved, while the power conferred upon the chief imparts strength for the purposes of self-defense, without authority to enter upon wars of conquest and ambition.

The cherished aspiration for national unity which for ages has inspired the many millions of people speaking the same language, inhabiting a contiguous and compact territory, but unnaturally separated and divided by dynastic jealousies and the ambition of short-sighted rulers, has been attained, and Germany now contains a population of about 34,000,000, united, like our own, under one Government for its relations with other powers, but retaining in its several members the right and power of control of their local interests, habits, and institutions.

The bringing of great masses of thoughtful and free people under a single government must tend to make governments what alone they should be—the representatives of the will and the organization of the power of the people.

The adoption in Europe of the American system of union under the control and direction of a free people, educated to self-restraint, cannot fail to extend popular institutions and to enlarge the peaceful influence of American ideas.

The relations of the United States with Germany are intimate and cordial. The commercial intercourse between the two countries is extensive and is increasing from year to year; and the large number of citizens and residents in the United States of German extraction and the continued flow of emigration thence to this country have produced an intimacy of personal and political intercourse approaching, if not equal to, that with the country from which the founders of our Government derived their origin.

The extent of these interests and the greatness of the German Union seem to require that in the classification of the representatives of this Government to foreign powers there should be no longer an apparent under-valuation of the importance of the German mission, such as is made in the difference between the compensation allowed by law to the minister to Germany and those to Great Britain and France. There would seem to be a great propriety in placing the representative of this Government at Berlin on the same footing with that of its representatives at London and Paris. The union of the several States of Germany under one government and the increasing commercial and personal intercourse between the two countries will also add to the labors and the responsibilities of the legation.

I therefore recommend that the salaries of the minister and of the secretary of legation at Berlin be respectively increased to the same amounts as are allowed to those at London and Paris.

U. S. GRANT."

defense without authority to enter upon wars of conquest and ambition. The unification of great masses of thoughtful and free people under a single government must tend to make that government the representative of the will and the organizer of the power of the people. The result of the adoption in Europe of the American system of federation must be "to extend popular institutions and to enlarge the peaceful influence of American ideas." The relations between the United States and Germany were "intimate and cordial" and the commerce between the two countries "extensive and increasing." It was therefore very fitting that the mission to Germany should be placed on an equality with the missions to England and France.

In the final summing up of the important ties between the two countries the American Minister wrote to the Secretary of State<sup>44</sup> that if the United States needed the "trusty good-will of any government in Europe it could have that best with Germany,

<sup>44</sup> Bancroft (Howe) to Hamilton Fish.

BERLIN, October 18, 1870.

" . . . As to this war, Count Bismarck's words to me were: 'I clearly understand why your government should choose to be neutral'; at the same time he has always desired to cultivate particularly friendly political relations between Germany and the United States. Our foreign political interests almost always run parallel with those of Germany and are often in direct conflict with those of France. Bismarck and the king were true to our union during our civil war, when France took sides against us. Germany respected the independence of Mexico; the French supported the Austrian adventurer. The United States were the first power to speak for the security of private property at sea in time of war; Germany is the only power which as yet fully adopts the American idea. Germany desires to follow the East Asiatic policy of the United States; France, whose commerce with China is but one per cent. of the whole, intrigues for power through the monstrous demands of its Jesuit missionaries. Germany, like America, is adverse to ultramontane usurpations; it was the French Republic which destroyed the Roman republic and garrisoned the Papal dominions. Germany adopts from us the federative system; France, whether empire, monarchy, or republic, adheres to the system of centralization. Germany leaves Spain to choose her own government and regulate her own affairs; and for 160 years France has steadily endeavored to subordinate Spanish interests and policy to her own. The relations of Germany and formerly of Prussia to England are much the same as ours; and they have been so for a hundred years. And Bismarck loves to give the United States prominence in the eyes of Europe as a balance to Great Britain. If we need the solid, trusty good-will of any government in Europe, we can have it best with Germany; because German institutions and ours most nearly resemble each other; and because so many millions of Germans have become our countrymen. This war will leave Germany the most powerful state in Europe, and the most free; its friendship is, therefore, most important to us and has its foundations in history and in nature."

because German institutions and American most nearly resembled each other and because so many millions of Germans had become American citizens. The war would leave Germany the most powerful state in Europe and the most free. Its friendship was therefore most important to the United States." This feeling of community of interests was to no small degree reciprocated by Bismarck, who was fond of giving the United States prominence in the eyes of Europe as a balance to Great Britain, and who referred on many occasions to the good relations existing unbroken since they were first inaugurated by Frederick the Great.<sup>45</sup> An event reinforcing the relationship thus outlined was the decision rendered by Emperor William I in 1872, who, as arbitrator between Great Britain and the United States on the question of the Northwest boundary, rendered his verdict according to the American claims.<sup>46</sup> The emperor decreed that the boundary line should be drawn through the Haro Channel. This confirmed to the United States its claim to San Juan and the archipelago of islands lying between the continent and Vancouver Island, a claim which had been contested by Great Britain for more than twenty-six years.

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<sup>45</sup> Bancroft (Howe), p. 223 f.  
To Elihu B. Washburn.

BERLIN, March 5, 1869.

<sup>46</sup> F. R., 1872, p. IV and V. (Annual Message of the President.)

Mr. Bancroft recommended that the German Emperor be invited to act as arbitrator (Bancroft Mss. No. 61, Berlin, January 10, '70), and the American minister himself conducted the case for the United States.

## CHAPTER II

### TREATY RELATIONSHIP

DURING the forty years following the unification of Germany there were but two treaties concluded and formally ratified between the Empire and the United States.<sup>1</sup> The first of these was a Consular Convention concluded by Mr. Bancroft with the new German Empire, almost at its inception, in December of 1871.<sup>2</sup> By it the consuls and consular agents of each country were granted reciprocally all privileges and immunities enjoyed by the agents of the same rank of the most-favored-nation. Customary provisions for the inviolability of consular archives and premises, for the filling of temporary vacancies and for the communications with authorities, were included. The treaty provided also for the disposal of the property of decedents and for the succession to inheritance on the basis of equality with native citizens. Consuls of each nation reciprocally were given jurisdiction over disputes between officers and crews of ships, over the problem of deserting seamen and over questions of damages to vessels. It was agreed that all proceedings concerning the salvage of wrecked vessels should be in accordance with the laws of the country where the wreck occurred. A final article provided for the reciprocal protection of trade-marks—the citizens of each country enjoying, while within the boundaries of the other, equal protection in this respect with native citizens.

The second of the treaties<sup>3</sup> was concluded almost at the end of the forty years under consideration, and was limited to the subject

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<sup>1</sup> This excludes the several agreements concluded between the two countries through their diplomatic representatives without congressional action. It excludes also the treaties to which the United States and Germany were signatories together with one or more other powers.

<sup>2</sup> Malloy, Vol I, pp. 550 ff.

<sup>3</sup> Malloy, Vol. I, pp. 578 and 579.



of patent protection. This patent convention was concluded and ratified in 1909, and provided that the restrictions applied to patents should in each country be the same for citizens of the other country as for native citizens, and that the working of a patent in the territory of one of the contracting parties should be considered as equivalent to its working in the territory of the other party.

In the long period between these two conventions a number of agreements were concluded between the two nations, but these did not assume the character of treaties requiring ratification. Of chief importance were the series of commercial agreements,<sup>4</sup> occurring in 1891 (the "Saratoga Agreement"), 1900 and 1907, which served to adjust temporarily the trade relations, following changes of tariff, but which could be altered at short notice. There was also concluded in 1892 a Copyright Agreement<sup>5</sup> by which the full benefit of the legal provisions in force in both countries in regard to copyright were assured to subjects and citizens of both countries on an equal basis. In 1901 an agreement by the exchange of notes<sup>6</sup> provided for the reciprocal protection of trade-marks in Morocco. The consular agents of both countries in Morocco were instructed to give equal protection to the trade-marks of citizens of both countries alike against infringements by United States and German citizens in that country, provided those trade-marks had been duly registered in the country extending this protection. In 1905 a similar agreement<sup>7</sup> was effected by exchange of notes in regard to the protection of trade-marks in China, the two countries guaranteeing the reciprocal protection against infringement in China by citizens and subjects of the respective nations of trade-marks duly registered in Germany and the United States.

There being thus no formal treaty of a general nature between the United States and the German Empire, it was necessary in

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<sup>4</sup> Provisions of these agreements and negotiations attending their conclusion are treated in Chapter IV, Commercial Relations.

<sup>5</sup> Malloy, Vol. I, p. 557.

<sup>6</sup> Malloy, Vol. I, pp. 559 and 560.

<sup>7</sup> Malloy, Vol. I, p. 560.

questions of broad policy to refer to the treaties formed before the unification of the Empire, between the United States and the separate states of Germany.<sup>8</sup> Of these, the one which became recognized as fundamental to the relationship between the two countries was the treaty concluded in 1828 with the kingdom of Prussia. This Treaty of Commerce and Navigation revived a number of provisions<sup>9</sup> of the former Treaty of 1799 concerning reciprocal rights and duties in case of war. It also revived one article from the earliest treaty concluded between the United States and Prussia, that of 1785, the renewed article containing the principle that "free ships make free goods,"<sup>10</sup> a principle which had been omitted from the treaty of 1799 for the expressed reason that experience had proved that it was not sufficiently respected.<sup>11</sup> This article renewed from the 1785 treaty and providing that "all things shall be adjudged free which shall be on board any vessel belonging to the neutral party," was modified and limited by one of the articles<sup>12</sup> taken over from the 1799 treaty,

<sup>8</sup> For list of these treaties see Appendix.

<sup>9</sup> Articles XIII to XXIV inclusive, except the last paragraph in the nineteenth article relating to treaties with Great Britain, were revived. (Malloy, Vol. II, pp. 1490 ff.) These articles provide for neutral and belligerent rights and duties, in case one of the contracting parties is at war with a third power, in case both are at war with the same power, and in case they should be at war with each other. See Appendix.

<sup>10</sup> Malloy, Vol. II, p. 1481.

#### ARTICLE XII.

"If one of the contracting parties should be engaged in war with any other Power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent Powers shall not be interrupted. On the contrary in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel although they should be enemies to the other party, unless they be soldiers in actual service of such enemy."

<sup>11</sup> Malloy, Vol. II, p. 1490.

<sup>12</sup> Malloy, Vol. II, p. 1490.

#### ARTICLE XIII (OF TREATY OF 1799).

"And in case of one of the contracting parties being engaged in war with any other Power, to prevent all the difficulties and misunderstandings that

which provided for the right of visit and search of vessels and for the removal of contraband with subsequent full payment to the owners of the goods.

The situation provided for in these articles renewed from the former Prussian treaties was furnished by the Franco-Prussian war. At the outbreak of the war Germany announced that private property on the high seas would be exempt from seizure without regard to reciprocity.<sup>13</sup> This policy went beyond the provision contained in the treaty with the United States, since it included private property carried in enemy vessels. It was, however, later

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usually arise respecting merchandise of contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of either party, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles and detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of a contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage.

All cannons, mortars, fire-arms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, saltpeter, sulphur, cuirasses, pikes, swords, belts, cartouche boxes, saddles and bridles, beyond the quantity necessary for the use of the ship, or beyond that which every man serving on board the vessel, or passenger, ought to have; and in general whatever is comprised under the denomination of arms and military stores, of what description soever, shall be deemed objects of contraband."

<sup>13</sup> F. R., 1870, p. 217.

Secretary Fish wrote to Baron Gerolt, the German minister to the United States in regard to the announcement of German policy:

"The Government of the United States receives with great pleasure the renewed adherence of a great and enlightened German government to the principle temporarily established by the treaty of 1785, and since then advocated by this Government whenever opportunity has offered. . . .

Count Bismarck's dispatch . . . shows that North Germany is willing to recognize this principle (even without reciprocity) in the war which has now unhappily broken out between that country and France. This gives reason to hope that the Government and people of the United States may soon be gratified by seeing it universally recognized as another restraining and harmonizing influence imposed by modern civilization upon the art of war."

abandoned by Germany, who revoked her declaration<sup>14</sup> on the ground that the treatment of German merchant ships by France made it necessary to give up the position taken earlier in the war. Upon the revocation of the order, however, Bismarck assured the United States Government that all action toward American vessels would, as a matter of course, be in accordance with the provisions of the treaty of 1799,<sup>15</sup> exempting from seizure, when carried in American vessels, all private property except contraband. The latter might be removed from the vessels and used by the belligerent power if compensation were later made to the owners. In taking this stand Bismarck therefore based the policy of the North German Union in this regard on the narrower principle of Article XIII, revived from the treaty of 1799, rather than on the broad principle of "free ships make free goods" embodied in Article XII revived from the treaty of 1785.

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<sup>14</sup> F. R., 1871, pp. 403 ff.

On receiving notice of the revocation of the German declaration the American Secretary of State expressed to the German minister the

"great regret with which the Government of the United States receives the information that circumstances have arisen which, in the opinion of the government of North Germany, justify its withdrawal from a position which the Government of the United States regarded with very great satisfaction as taken in the best interests of civilization."

<sup>15</sup> F. R., 1871, pp. 411 and 412.

There was a misunderstanding at first as to the scope of the first declaration by Germany. The United States considered that since no mention had been made concerning contraband, the declaration exempted this form of "private property" also; and therefore that even though its protection when carried by French ships had been withdrawn, it would still be exempt from seizure when carried by American vessels. Bismarck, however, declared that mention of contraband had not been made in his first declaration, because it was assumed that "according to international usages," contraband had always been considered subject to seizure. He set forth that this principle had been endorsed by the United States itself in 1856 in regard to the declaration of Paris. Upon being asked to adhere to the four provisions of the Paris declaration the United States had "declared its readiness to do so only on condition that the property of subjects of a belligerent state should be exempt from capture at sea, by the war vessels of the other party, contraband of war excepted."



The negotiations on this subject are significant aside from their immediate concern, because of the fact that the treaty of 1828 was assumed without question to be binding upon the North German Union, although it had been concluded only with Prussia. The United States also assumed that its obligations as a neutral under that treaty were binding upon it in relation to the North German Union just as they would have been were Prussia alone involved in the war. This was illustrated in the neutrality proclamation issued by President Grant, in which he set forth the rights and duties of American citizens as determined by the neutrality law of the United States and by its treaty obligations. The President applied to the situation at that time the treaty privilege of the belligerent to carry in and out of the ports of the neutral without search or hindrance, any prizes captured from the enemy. This privilege he declared under the Prussian treaty of 1799, revived by the treaty of 1828, to be still in force.<sup>16</sup> Later in the intercourse between the two countries doubt was expressed at various times by each of the nations as to whether the treaty of 1828 and certain other treaties formed with individual German States before the unification could be considered valid for the whole empire.

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<sup>16</sup> F. R., 1871, p. 46.

BY THE PRESIDENT OF THE UNITED STATES OF  
AMERICA.

A PROCLAMATION.

(August 22, 1870—Enjoining neutrality in the present war between France and the North German Confederation and its allies.)

"And I do further declare and proclaim that by the nineteenth article of the treaty of amity and commerce which was concluded between his Majesty the King of Prussia and the United States of America, on the 11th day of July, A. D. 1799, which article was revived by the treaty of May 1, A. D. 1828, between the same parties and is still in force, it was agreed that 'the vessels of war, public and private, of both parties, shall carry freely wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched or put under any legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to show.'"

By the treaty of 1828,<sup>17</sup> Prussia and the United States had guaranteed to each other freedom of commerce and navigation. There was to be no discrimination in the form of tonnage dues or other port charges, in the ports of either nation against the vessels of the other. The vessels of each country in this respect were placed on an equal footing with its own national vessels except in the case of the ships engaged in coastwise trade. Similarly with regard to imports it was agreed that there should be no discrimination in the form of duties placed on the products of one country upon their importation into the other. Though the term "most-favored-nation" was not used in the treaty the two countries established their relations on this basis. The idea was embodied in Articles V and IX of the treaty, which read as follows:

#### ARTICLE V.

"No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Prussia, and no higher or other duties shall be imposed on the importation into the Kingdom of Prussia of any article the produce or manufacture of the United States, than are or shall be payable on the like article being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States or of Prussia, to or from the ports of the United States or to or from the ports of Prussia, which shall not equally extend to all other nations."

#### ARTICLE IX.

"If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely where it is freely granted to such other nation, or on yielding the same compensation, when the grant is conditional."

It will be seen that this latter article is in a sense contradictory to the former. Article V, if taken literally, establishes an uncon-

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<sup>17</sup> Malloy, Vol. II, pp. 1496 ff.

ditional most-favored-nation basis in respect to import duties. If this article stood alone in the treaty it would be difficult to see how either of the contracting parties could grant, for instance any tariff reduction to any third nation, without extending the same favor automatically and unqualifiedly to the other contracting party. Article IX, however, places an important restriction on this sweeping most-favored-nation principle. Each of the contracting parties can claim from the other, according to this article, the benefits of a privilege granted to a third nation, only if that privilege was extended gratuitously to that third nation. Otherwise there must be a bargaining. The second contracting party must offer to the first some favor equivalent to that offered by the third nation, before it can become entitled by the treaty to the privilege under discussion. In short, Article IX establishes the restricted most-favored-nation theory or reciprocity.<sup>18</sup>

Though frequently made the basis of diplomatic negotiations between the two countries, the treaty of 1828 was never formally extended to the whole German Empire. The nearest approach to any statutory recognition was the fact that the constitution<sup>19</sup> of the German Empire declared that all legislation concerning customs duties and commerce and all organization for the protection of German trade and navigation should be under the supervision of the empire. No mention was made, however, of the *past* legislation or contracts on this subject made by the individual States. The applicability, therefore, of the constitutional provisions to the treaty of 1828 with Prussia, or to the similar treaty

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<sup>18</sup> For the interpretation of these articles by the two nations see Chapter III "Commercial Relations." The United States held consistently to the principle of reciprocity. Germany's policy varied. The German Government at times acted on the principle of unrestricted and at times on the principle of restricted most-favored-nation treatment in regard to the United States.

See also Sen. Doc. 29, 62nd Cong., 1st Session.

Also article on "Most-favored-nation Relations, German-American," by Dr. G. M. Fisk in *Journal of Political Economy*, March, 1903, and the work by Richard Calwer, Berlin, 1902, entitled "Die Meistbegünstigung der Vereinigten Staaten von Nordamerika."

<sup>19</sup> F. R., 1871, Article 4 (pp. 384 and 385) and Article 35 (pp. 387 and 388).

of 1827 with the Hanseatic Republics,<sup>20</sup> is very vague, and was seldom referred to in the practical negotiations as evidence of the validity of that treaty for the whole empire.

The fact that this important treaty had never by formal agreement been declared binding upon United Germany caused its validity to be questioned at various times by each of the two countries. Officials of each nation differed from one another in their opinion on this subject. In 1897 a heated discussion<sup>21</sup> took place in the Reichstag concerning the future commercial policy of Germany toward the United States as affected by the Dingley tariff. In the course of the debate the binding character of the Prussian and Hanseatic treaties was seriously questioned. Count von Kanitz-Podangen, Conservative, said that the American Union and Germany treated each other reciprocally as most favored countries, *although no commercial or most-favored-nation treaty had ever taken place between the two states.* (Staatengruppen.) He then referred to the 1827 and 1828 treaties as being—whether rightly or wrongly—(mit Recht oder Unrecht), *considered* the basis of the commercial relations between the two countries. Personally, however, he considered that to revert to these treaties was legally inadmissible (nicht statthaft). The interpellation of the Count and his colleagues was answered by Baron von Marschall, Minister of State and Secretary of the Foreign Office, who declared himself to be of quite different opinion concerning the treaty under discussion. The question of the validity and of the limits of the region of application of these treaties, he declared, had never been specifically discussed<sup>22</sup> or decided by the two countries.

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<sup>20</sup> Malloy, Vol. I, pp. 901 ff.

Article IX of this treaty with the Hanseatic Republics constituted a reciprocity clause almost identic in wording with Article IX of the treaty with Prussia the following year.

<sup>21</sup> V. R., 1895-1897, Vol. VIII, pp. 5701 ff., 213 Sitz. (May 3, 1897).

<sup>22</sup> Ibid., p. 5706.

“Die Frage der Giltigkeit und des Geltungsbereichs dieses preussischen Vertrages ist zwischen den Vereinigten Staaten und Deutschland niemals prinzipiell zur Erörterung und zur Entscheidung gelangt.”

It was inaccurate to state that the subject had never been discussed, but correct that it had never been formally decided.



Similar treaties existed with Sweden, Norway and Denmark, and the government had always proceeded upon the principle that these had not lost their validity through the founding of the German Empire but had been transferred, together with their rights and obligations, to the German Empire, in application of Articles 4 and 35 of the Constitution which gave over to the Empire the entire tariff and commerce legislation. Moreover, he continued, these treaties had lost their territorially restricted character before the founding of the empire, at the time of the creation of the Zollverein. The principal proof, however, of the binding power of these treaties, Baron von Marschall declared to be the fact that both parties had recognized their validity through conclusive acts. Rights had been claimed for and obligations fulfilled by the whole German Empire on the basis of certain paragraphs of this treaty. In 1885, for example, the chancellor had declared, apropos of a commercial treaty with Spain, that the United States, Sweden and Denmark could claim most-favored-nation privileges, through their special treaties with single States, which could now no longer be separated from the rest of the empire. Germany had repeatedly claimed and obtained rights from the United States on the ground of the Prussian treaty, and the United States had in turn recognized the treaty as a basis for claims from Germany.<sup>23</sup> Its binding character had thus been tacitly assumed by both nations. This fact, the Minister of State considered, established in itself the validity of the treaty.

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<sup>23</sup> For accounts of negotiations involving these treaties, see Chapter IV, "Commercial Relations." See also negotiations between Bismarck and Mr. Kasson (American Minister) on German Differential Railroad Rates, 1884. (G. M. Fisk, *Most-Favored-Nation Relations—German-American*, in *Journal of Political Economy*, March, 1903.)

In 1885 Baron von Alvensleben, the German minister, wrote to Secretary Bayard to claim for Germany, on the ground of the treaty, the reduced tonnage dues just extended by the United States to vessels from certain South American countries. He stated that Article IX of the Prussian-American Treaty had been "in the correspondence between the cabinets of Berlin and Washington concerning the petroleum railroad rates as well as because of the Spanish-American treaty concerning the trade of Cuba and Puerto Rico, successively asserted by both Governments to be valid for all Germany." (See F. R., 1885.)

A similar debate was held in the Reichstag in 1899.<sup>24</sup> Again Count von Kanitz, as the representative of the German Conservatives, spoke against the Prussian treaty, declaring that it had been rendered null and void by the American tariff legislation. This viewpoint was seconded by Baron Herrnsheim, of the National Liberals, who added that it was evident that the Americans considered the treaty to be no longer in force, since American Secretaries of State Gresham and Olney had stated that there was no evidence for considering that the treaty concluded with Prussia had been extended to the German Empire. This view was at once contradicted by von Buelow, Minister of State and Secretary of the Foreign Office, who declared explicitly that the commercial relations between Germany and the United States rested contractually (*vertragsrechtlich*) on the treaty of 1828 with Prussia and on the similar agreements with other German seaboard States. The differences with America on the subject, he said, were due to a different conception of the scope of the most-favored-nation clause. This declaration of the Minister of State was received with satisfaction by the more radical parties<sup>25</sup> and was endorsed by Count von Posadowsky-Wehner, Representative of the Chancellor and Secretary of the Interior.

In the United States there was also uncertainty as to whether the treaty covered more than the State of Prussia, with which it had been concluded. Claims had been made to the Government of the Empire, based on the most-favored-nation status granted to the United States by the treaty,<sup>26</sup> which was a tacit recognition of its binding qualities upon the empire, and there seems never to have been any objection on the part of the United States to having the government of the empire base its claims against the United States on the agreement concluded by the government of one German State. Nevertheless, the view was held by at least two American Secretaries of State that the treaty could not be

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<sup>24</sup> V. R., '95-'00, Bd. I, 30 Sitz. February 11, '99, S. 787, B. ff.

See also Chapter on Commercial Relations.

<sup>25</sup> Ibid., S. 800. See speech of Herr Richter of the Freisinnige Volkspartei.

<sup>26</sup> F. R., 1885, p. 443.

used by Germany as a basis for claims extending beyond the territory of Prussia. In 1894, when Germany protested against the terms of the American tariff affecting the importation of German sugar,<sup>27</sup> Secretary Gresham, though admitting the justice of the German claim on the grounds of Articles V and IX of the 1828 treaty, declared: "The stipulations of these two articles place the commercial intercourse of the *United States and Prussia*, not the *entire German Empire*, on the most-favored-nation basis." He therefore assumed "that the German Government did not claim that the treaty afforded any just ground for protest against the additional duty on sugars not shown to be the produce or manufacture of *Prussia*." This opinion of the Secretary of State was upheld by the United States Attorney-General. Mr. Olney was asked to render his official opinion on the claims of Germany to be exempted from the payment of duty on German salt. One of the grounds of the German claim being based on the most-favored-nation provisions of the 1828 treaty, the Attorney-General rendered his decision against Germany partly on the ground of the invalidity of the treaty for the whole empire.

"It should be noted," he states,<sup>28</sup> "that while this treaty is to be taken as operative as respects so much of the German Empire as constitutes the kingdom of Prussia, no facts or considerations with which I have been made acquainted justify the assumption that it is to be taken as effective as regards other portions of the empire. Neither am I informed whether the German salt, for which free admission into this country is demanded, is a product or manufacture of Prussia proper or of some other part or parts of the German Empire." Two years later Mr. Olney, Secretary of State, had occasion to pass upon the same question.<sup>29</sup> Referring to his opinion given in 1894, he wrote to Baron von Thielmann, German minister, as follows:

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<sup>27</sup> See Chapt. IV, Commercial Relations. Also F. R., 194, p. 239 and Sen. Misc. Doc. No. 52, 53rd Cong., 3rd Sess.

<sup>28</sup> Sen. Misc. Doc. No. 52, 53rd Cong., 3rd Sess., p. 5.

<sup>29</sup> F. R., 1896, p. 209.

Secretary Olney expressed by implication a request for the German Government's view in this matter.

"In that opinion I discussed the several grounds upon which you had claimed by your preceding notes that German salt is entitled to come into the United States free. The first of these grounds was the applicability of the most-favored-nation clause in the treaty of May 1, 1828, between the United States and Prussia; and upon this point I remark that your note is silent, so that I am, as Secretary of State, still without the information which I lacked while Attorney-General, as to whether the treaty with Prussia is to be taken as effective as regards other portions of the Empire or whether the German salt, for which free admission into this country is demanded, is a product or manufacture of Prussia proper or of some other part or parts of the German Empire."

In contrast to these officials of the State Department, Congress seemed to have no doubts about the treaty but simply assumed its validity. In 1885 the Committee on Foreign Affairs recommended to the House for adoption the following resolution:<sup>30</sup>

*"Resolved*, That it is the sense of the House of Representatives that the President of the United States be requested to take immediate steps to secure to the United States equal benefits in the German Empire with other nations as to all articles of commerce of the United States, under the most-favored-nation clause of the treaty of 1828, made with Prussia and now in force between the United States and the German Empire."

In spite of this acknowledged uncertainty as to the validity of the treaty, the nations took no formal action to establish its status, but continued throughout this whole period to make practical use of it as a basis for temporary agreements to regulate their reciprocal commercial relations.<sup>31</sup>

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"It would much facilitate my examination of the subject were I informed of the grounds, if any, for regarding the treaty stipulation concluded with Prussia in 1828 as now operative with respect to the whole German Empire, and if this be not the case, how and to what extent the Kingdom of Prussia may seek to adduce its treaty with the United States in support of a claim for the exemption from duty on salt produced in and exported from Prussia."

The published correspondence of the two countries gives no evidence of a reply from Germany to this question.

<sup>30</sup> House Report, No. 2682, 48th Cong., 2nd Sess.

<sup>31</sup> See Chapt. IV, Commercial Relations.

See also F. R., 1883, p. 369.



Another phase of the relations between the United States and Germany, concerning which the treaty provisions were inadequate and uncertain, was that of the status of the naturalized citizen and his rights and immunities upon his return to the land of his birth.<sup>32</sup> This subject was regulated by a group of treaties concluded before the unification of the empire with the separate states of Baden, Bavaria, Hesse, Wurtemberg and the North German Union. Besides differing from one another in minor respects, which caused some difficulty, these treaties left unregulated the status of the former citizens of Alsace-Lorraine. Just as it was never formally determined whether the 1828 treaty with Prussia had been extended to include the whole German Empire, so it was never formally agreed upon by both countries whether or not the naturalization treaty concluded with the North German Union, or any of the other treaties of the group, were valid for the whole empire and hence governed the status of American citizens born in Alsace-Lorraine. The final published correspondence up to the year 1910 showed the two governments taking opposite stands on the question—the German Government holding the treaties inapplicable<sup>33</sup> to former citizens of the two provinces and the United States refusing to admit this stand.<sup>34</sup>

It is thus seen that throughout this period of forty years the intercourse between the two great nations, important as it was in volume of trade and in social and political relations, was never at any time adequately regulated by treaty. The only formal treaties covered subjects of less general importance, while the whole basis of the relationship of the two countries in their commercial intercourse was rendered unstable by reason of a disagreement as to the interpretation of the older treaties and by reason of an uncertainty as to whether they were really valid.<sup>35</sup> It was inevitable

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<sup>32</sup> For account of negotiations on this subject, see Chapter III "American Citizens of German Birth, their Rights in Germany."

<sup>33</sup> F. R., '03, p. 443 and F. R., '06, p. 652.

<sup>34</sup> F. R., '04, p. 319.

<sup>35</sup> In 1904 a Compilation of Treaties in Force was prepared under a Resolution of the United States Senate. (Sen. Doc. No. 318, 58th Cong., 2nd Sess.) Under treaties in force with the *German Empire* only two were given, the

that the relationship as a whole between the two nations should be adversely affected by these conditions. This was realized by the officials of both governments, but attempts to remedy the situation and conclude a comprehensive treaty were defeated by the opposing American and German economic protection policies.<sup>36</sup>

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Consular Convention of 1876 and the Commercial Agreement of 1900. The treaties with Prussia and the several German states were listed separately under the names of Prussia, Baden, Bavaria, etc., as still in force for those states—but no statement is made as to whether or not they are in force for the Empire.

<sup>36</sup> See Chapter IV, Commercial Relations.

The conclusion of a naturalization treaty to take the place of the "Ban-croft" Treaties of 1868 was apparently blocked by Germany. See Chapter III, "American Citizens of German Birth, their Rights in Germany."

### CHAPTER III

#### AMERICAN CITIZENS OF GERMAN BIRTH—THEIR RIGHTS IN GERMANY

THE first question of important and extended diplomatic discussion to come before the two nations after the foundation of the Empire was that of the rights of American citizens of German birth, upon their return to Germany—particularly their rights to exemption from military service. The efforts of Bancroft in behalf of these naturalized citizens resulted in the formation of a group of naturalization treaties<sup>1</sup> with the North German Union, Bavaria, Baden, Wuerttemberg and Hesse respectively, in the year 1868. These are known as the "Bancroft treaties," and became the basis of diplomatic correspondence, lasting throughout the whole period of forty years. Shortly after their conclusion, it was evident that the treaties were, from the American standpoint unsatisfactory for the chief reasons that, as pointed out by Secretary Fish:<sup>2</sup>

"They are not coextensive with the limits of the Empire. The provisions of none of the existing treaties extend to Alsace and Lorraine, which form an integral part of the empire; and from which there has long been a large and valuable emigration to the United States, whose status deserves recognition and protection."

And secondly:

"They make different, and in some respects, conflicting provisions respecting the naturalized citizens."

In defense of the treaties, Bancroft replied<sup>3</sup> that the German Government was not disposed to deny to the emigrants from those

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<sup>1</sup> Sen. Doc. No. 318, 58th Cong., 2nd Sess., Vol. XXXVII.

<sup>2</sup> F. R., '73, p. 280.

<sup>3</sup> F. R., '73, p. 287.

two provinces (Alsace and Lorraine) the benefits of the treaty with the North German Union and that, though there were slight differences between the treaties, they were interpreted and executed alike. . . . He explained at the same time that it would not be advisable to negotiate for a single treaty with the empire, because, being directly at the close of the Franco-Prussian war, the moment was a "most inauspicious one for bringing before the German Parliament any document exempting men of German birth from obedience to German military law."<sup>4</sup> The auspicious moment apparently never came, for the Bancroft treaties with the five separate German States have remained in force and the long diplomatic discussions have centered in a changing interpretation of their clauses, and in the extent of their application.

The treaty formed with the North German Union was the first to be concluded, and became the one chiefly used as the basis for discussions. The clauses most often brought to bear are the following:<sup>5</sup>

#### ARTICLE I.

"Citizens of the North German Confederation who become naturalized citizens of the United States of America, and shall have resided uninterruptedly within the United States five years, shall be held by the North German Confederation to be American citizens, and shall be treated as such."

#### ARTICLE II.

"A naturalized citizen of the one party on return to the territory of the other party remains liable to trial and punishment for an action punishable by the laws of his original country and committed *before* his emigration."

#### ARTICLE IV.

"If a German naturalized in America renews his residence in North Germany without the intent to return to America, he shall be held to have renounced his naturalization in the United States. . . . The intent not to return may be held to exist when the person naturalized in the one country resides more than two years in the other country."

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<sup>4</sup> F. R., '73, p. 289.

<sup>5</sup> M., Vol. II, p. 1298.



The principle through which Bancroft was able to secure the treaties<sup>6</sup> was that—endorsed by Bismarck himself—of the natural right of emigration and the prohibition of any punishment inflicted because of the act of emigration itself. Before this time the German kingdoms had not recognized the right of subjects to dissolve their allegiance to their sovereign without his consent. The Bancroft treaties have therefore been considered “a great achievement of American diplomacy which has made a breach in an old feudal principle of monarchical states.”<sup>7</sup>

Although the United States, in the words of President Hayes,<sup>8</sup> admitted “no distinction whatever between the rights of a native and a naturalized citizen of the United States,” the policy was adhered to of investigating carefully each case of molestation, and only those protests were forwarded to the German authorities which had been found by the United States Consuls to be covered by the treaty stipulation, *i. e.*, when the intent to return to the United States had been satisfactorily demonstrated.<sup>9</sup> Germany, on the other hand, reserved the right to punish (by forced military service, imprisonment, fine or expulsion) or to release the citizen in question. As reported by the United States Minister at Berlin, J. C. B. Davis,<sup>10</sup> “Release from fine or arrest of returned American citizens of German birth has been granted by use of the royal prerogative of pardon. It has not been regarded as a right which can be asserted and enforced under German law by the injured party.”

Though Germany throughout the controversies manifested a desire to adhere to the terms of the treaty,<sup>11</sup> the interpretation of those terms, and the fact of the discrepancies between the treaties signed with the separate States left room for much fluctuation of policy. As the treaty with Baden<sup>12</sup> contained no two-year clause, former citizens of that State on their return were apt to be molested

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<sup>6</sup> F. R., '73, p. 284.

<sup>7</sup> House Report No. 2590, 48th Cong., 2nd Sess., p. 5.

<sup>8</sup> F. R., '79, p. xiii.

<sup>9</sup> F. R., '84, p. 212.

<sup>10</sup> F. R., '75, p. 568.

<sup>11</sup> F. R., '79, p. xiii.

<sup>12</sup> M., Vol. I, p. 53.

upon their arrival, or within a short time thereafter, and found difficulty in proving their intent to return. Although the United States never construed the two-year clause of the treaty to mean that the United States citizenship was lost by the two years' residence,<sup>13</sup> nevertheless in practice it acquiesced in Germany's right by treaty to expel or to force to become naturalized any former German

<sup>13</sup> F. R., '85, p. 397, No. 287.

Mr. Frelinghuysen to Mr. Kasson.

DEPARTMENT OF STATE,  
WASHINGTON,  
January 15, 1885.

"Under these treaties, a two years' residence in his native country of a citizen naturalized in the United States of America does not of itself divest him of his adopted citizenship. The treaties provide that when a citizen of either country naturalized in the other shall renew his residence in the country of his birth without the intent to return to his adopted country, he shall be held to have renounced his naturalization, and further that the intent not to return 'may be held to exist' after the residence in the native country shall exceed two years. The residence, therefore, is the only evidence open to rebuttal of lack of intention to return to the adopted country. The treaty, therefore, by itself does not work forfeiture of citizenship, and in this case some affirmative governmental act was necessary to show that the elder Klengenmeyer had through residence in Germany, without intent to return here, forfeited his naturalization.

This is the construction of the fourth article of the treaty of 1868, which has been maintained by this Department and, so far as is known, admitted by the German Government."

Supplement, 1913, to Senate Doc. No. 357, 61st Cong., 2nd Sess. "Treaties, Conventions, International Acts, etc.," p. 125.

Later the United States seems to have modified its views slightly concerning the principle of the two-years' residence. In 1906 a convention on the status of naturalized citizens was concluded with the South and Central American countries. This convention included the two-year residence principle of the Bancroft treaties, but it was worded so as to lay more emphasis on the two-year residence as evidence that the naturalized person residing in his native country did not intend to return to the country of his adoption. The Articles read as follows:

"*Art. I.* If a citizen, a native of any of the countries signing the present convention and naturalized in another, shall again take up residence in his native country without the intention of returning to the country in which he has been naturalized, he will be considered as having reassumed his original citizenship, and as having renounced the citizenship acquired by the said naturalization.

"*Art. II.* The intention not to return *will be presumed to exist* when the naturalized person shall have resided in his native country for more than two years. But this presumption may be destroyed by evidence to the contrary."

citizens after a residence of two years in Germany.<sup>14</sup> It also acquiesced in the right of expulsion before the limit of two years had expired, provided that the intention of the individual *not* to return could be satisfactorily demonstrated.<sup>15</sup> The enforcement of such right was exercised by Germany mostly in the case of men of military age,<sup>16</sup> older German-Americans being allowed to reside indefinitely in the Fatherland.<sup>17 18</sup>

<sup>14</sup> F. R., '84, p. 212, Inclosure 2 in No. 74, Mr. Kasson to Mr. Reichard.

LEGATION OF THE UNITED STATES,  
BERLIN, November 14, 1884.

"In reply to your third inquiry the legation is of the opinion that recurring visits to Germany, not prolonged beyond two years, are permissible under the treaty, if preceded by *bona fide* resumptions of residence in the United States, and that the residence of six months which preceded your recent return to Germany should be regarded as such a residence.

In the opinion of this legation, the German Government reserved the right in question in order to act or decline to act upon each case as it should be presented at the time for action, without interference by the United States. We do not therefore believe that you would now obtain from them a satisfactory reply, and do not think it advisable to transmit your application to them, thus calling special attention to your case and that of your children. The only effect, in our view of the case, of your overstaying two years would be to give the German authorities the right to say (without our interference) that you or your children, or both, must become naturalized or leave the country. As long as you hold to the *bona fide* intention of return to the United States to reside there as a citizen, *we* hold you and your minor children to be still American citizens."

<sup>15</sup> F. R., '85, p. 401.

<sup>16</sup> F. R., '84, p. 194.

<sup>17</sup> F. R., '83, p. 331.

<sup>18</sup> Autobiography of A. D. White, Vol. I, p. 534 ff.

"In those days an American minister at Berlin was likely to find his personal relations with the German minister of foreign affairs cordial, but his official relations continuous war. Hardly a day passed without some skirmish regarding the rights of "German-Americans" in their Fatherland. The old story constantly recurred in new forms. Generally it was sprung by some man who had left Germany just at the age for entering the army, had remained in America just long enough to secure naturalization, and then, without a thought of discharging any of his American duties, had come back to claim exemption from his German duties, and to flaunt his American citizen papers in the face of the authorities of the province where he was born. This was very galling to these authorities, from the fact that such Americans were often inclined to glory over their old schoolmates and associates who had not taken this means of escaping military duty; and it was no wonder that these brand new citizens, if their papers were not perfectly regular, were sometimes held for desertion until the American representative could intervene.

Still other cases were those where fines had been imposed upon men of this class for non-appearance when summoned to military duty, and an American minister was expected to secure their remission.

In simple justice to Germany, it ought to be said that there is no foreign matter of such importance so little understood in the United States as this.

The years 1884 and 1885 marked the beginnings of a more stringent military policy on the part of the Germans and the tendency to extend the restrictions governing former German subjects on their return to the country.<sup>19</sup> It became the precedent to consider that the two years' residence in Germany divested automatically any former German of his acquired citizenship.<sup>20</sup> It also extended its policy of the right of expulsion to the minor children of such a returning citizen. A definite ruling in regard to the fathers and sons in question was issued by the Government.<sup>21</sup>

1. "Fathers naturalized in America and returning to Germany to reside, and there sojourning for more than two years, are to be regarded as having renounced their naturalization under the provisions of the treaty of 1868."

2. "But minor children of such parents born in America will be recognized as retaining their American citizenship uninfluenced by their father's renunciation of his naturalization, and they cannot be made to perform military service in Germany, but their sojourn in Germany may be refused, under the principles of international law, when the same may be required in the interest of public order."

The United States refused to admit the validity of either ruling. As expressed by Secretary of State Frelinghuysen:

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The average American, looking on the surface of things, cannot see why the young emigrant is not allowed to go and come as he pleases. The fact is that German policy in that respect has been evolved in obedience to the instinct of national self-preservation. The German Empire, the greatest Continental home of civilization, is an open camp, perpetually besieged. Speaking in a general way, it has no natural frontiers of any sort—neither mountains nor wide expanses of sea. Eastward are one hundred and thirty millions of people fanatically hostile as regards race, religion and imaginary interests; westward is another great nation of forty millions, with a hatred on all these points intensified by desire for revenge; northward is a vigorous race estranged by old quarrels; and south is a power which is largely hostile on racial, religious and historic grounds, and at best a very uncertain reliance. Under such circumstances, universal military service in Germany is a condition of its existence, and evasion of this is naturally looked upon as a sort of treason. The real wonder is that Germany has been so moderate in her dealing with this question. The yearly 'budgets of military cases' in the archives of the American Embassy bear ample testimony to her desire to be just and even lenient."

<sup>19</sup> F. R., '85, p. x.

<sup>20</sup> F. R., '85, p. 392.

<sup>21</sup> F. R., '85, p. 400.



"We think it clear that the treaty cannot of itself convert an American citizen back again to a German, any more than it can make a German a citizen of the United States."

"As to the sons of such fathers, who, being citizens by birth, may visit the land of their fathers' allegiance the decision of the German Government is just. They are original citizens in their own right and the treaty does not relate to them. In all respects they stand on the same footing as native Americans of American parentage. This being so, the contention of the German Government that such sons may be expelled from Germany on abrupt notice, at the pleasure of the authorities, under the alternative of becoming German subjects is tantamount to claiming the right to expel any citizen of the United States in like manner, and with the like alternative, which of course would conflict with provisions of the existing treaty."

Count Hatzfeldt's reply<sup>22</sup> asserted that it was a view universally adhered to by nations that treaties of amity and commerce did not abolish the recognized right of each nation to expel citizens considered injurious to the welfare of the State. He pointed out further that Germany had made an important concession to the United States in recognizing the American nationality of the sons in question of the former German citizens, since under the German legal view such sons would share the nationality of the father.<sup>23</sup> He also intimated the lenient attitude of the Government, stating that:

"The Government of the United States may rather rest assured that the German authorities . . . will as heretofore allow all reasonable consideration to prevail."<sup>24</sup>

The stricter interpretation of the treaties made their defects more evident and there was some attempt in the United States to have them abrogated. During 1882 two resolutions were introduced in the House of Representatives<sup>25</sup> providing for the termination of the Bancroft treaties. These were referred to the

<sup>22</sup> F. R., '85, p. 418.

<sup>23</sup> F. R., '85, p. 418.

<sup>24</sup> F. R., '85, p. 417.

<sup>25</sup> Congressional Record, 47th Cong., 1st Sess., Vol. XIII, p. 428 (H. R. No. 106) and 47th Cong., 2nd Sess., Vol. XIV, p. 18.

Committee on Foreign Affairs, which reported<sup>26</sup> a substitute resolution. This provided for the negotiation of a new naturalization treaty with the German Empire which should operate as a termination of the old treaties with the several German States without formal notice being given of the intention to abrogate them.

Again, in 1885,<sup>27</sup> the same resolution was recommended by the Committee on Foreign Affairs for adoption. In the report accompanying the resolution the defects and virtues of the Bancroft treaties were both set forth. The committee considered the treaties to have been of great value, both in breaking down the old feudal principle of "once a subject, always a subject," and in granting substantial benefits to American citizens. Moreover, the committee considered that those benefits were reciprocal only in name and that they were actually useful only to the United States, because the native American naturalized in Germany and returning to the United States required no protection from prosecution for unauthorized emigration or for the non-fulfilment of military duty. There was therefore no doubt that a simple notice to terminate the treaties would be accepted by Germany. But this would leave the citizens concerned without regulated protection. Therefore the committee did not recommend that notice be given to terminate the Bancroft treaties, but it did consider that the time had come for the "conclusion of a new treaty comprising the whole German Empire, and with such modification as might secure a more full and satisfactory protection of the rights of American citizens abroad."

Apparently these movements by Congress were without results,

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<sup>26</sup> House Reports, 47th Cong. and Sess., No. 1893.

(To accompany H. Res. 329.)

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby, requested to take the necessary steps toward negotiating a treaty with the German Empire securing more liberal and just provisions in reference to the respective rights of citizens—native-born or naturalized—of the United States and the German Empire."

<sup>27</sup> House Report No. 2590, 48th Cong., 2nd Sess.

published correspondence showing no record of negotiations for a new treaty at this time. The Bancroft treaties continued to be used as governing the rights of naturalized Americans on their return to Germany.

For several years the two governments continued to carry on a considerable diplomatic correspondence, retesting and reasserting from the same standpoint.<sup>28</sup> President Cleveland referred to this in his message to Congress,<sup>29</sup> but described the general relations of the two countries as having "lost none of their accustomed cordiality." The protests of the United States were changed gradually from the basis that Germany's policy of expulsion was in violation of the Bancroft treaties to the basis that it was not friendly. As expressed by Ambassador Bayard:<sup>30</sup>

"While thus freely admitting the right of expulsion this Department holds that its arbitrary exercise cannot be regarded as consistent with existing relations . . . There must be declarations or acts (showing the intent not to return) in addition to the mere fact of return to the country of origin, in order to create or justify the conclusion that naturalization has been renounced. . . . Although it is not a question arising under the treaty, it is due to comity, as well as to the existence of the treaty, that reasonable grounds for expulsion should exist and be made known."

A marked decrease in the number of cases calling for diplomatic intervention followed during the next few years, a situation recorded with satisfaction by the United States representatives.<sup>31</sup>

In 1897 the reversal of the policy of the German Government in regard to the treatment of the sons of German parents became evident through the case of Alfred Meyer.<sup>32</sup> He was born in the United States of German parents, was brought to Germany at the age of four, and on reaching military age was impressed into the German army. In intervening in his behalf the United States Ambassador brought forward the ruling of the German Govern-

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<sup>28</sup> F. R., '87, p. 370.

<sup>29</sup> F. R., '86, p. iv.

<sup>30</sup> F. R., '88, p. 420.

<sup>31</sup> F. R., '88, p. 656.

<sup>32</sup> F. R., '97, p. 194.

ment in 1885, which declared that sons by reason of their American birth might not be forced to serve. The reply from the Imperial Foreign Office<sup>33</sup> was that Meyer was, under the laws of Prussia, a Prussian subject, and that if his birth on American soil made him an American citizen, then he possessed a double nationality and must fulfil his obligations to both countries. As it turned out, Meyer was soon dismissed from the service<sup>34</sup> on the ground of physical disability; therefore, the United States did not press its protest further and this issue remained unsettled.

Cases continued to be brought to the notice of American consuls during the next few years, but formal protest was seldom made to the German Government in their behalf, as they seemed to indicate no new policy of treatment<sup>35</sup> and it was stated by the American ambassador that the number of persons molested for not having performed military service in Germany was a very small one compared to the number of naturalized Americans who each year returned to Germany. In the cases of fines imposed for such non-performance of military duty the money was nearly always refunded at the intervention of the American authorities. To decrease the number of cases of expulsion or other molestation and reduce to a minimum any resulting friction between the two countries, the United States published a notice<sup>36</sup> to American citizens formerly subjects of Germany explaining their liability under the military and expatriation laws of their native country. It was made evident also to the United States Government by its own representative in Germany that there was no intention on the part of the Prussian Government to discriminate against American citizens, and that Germans of military age returning after naturalization in other countries received similar treatment.<sup>37</sup>

Efforts of the Prussian Minister of the Interior to curtail the sojourn in Prussia of former German subjects of military age caused the United States again to protest to the German Foreign Office. This protest set forth<sup>38</sup> that while the United States had

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<sup>33</sup> F. R., '97, p. 195.

<sup>35</sup> F. R., '01, p. 159.

<sup>37</sup> F. R., '01, p. 177.

<sup>34</sup> F. R., '97, p. 200.

<sup>36</sup> F. R., '01, p. 160.

<sup>38</sup> F. R., '02, p. 441.



no sympathy with the evaders of military duty, and while it did not contest the right of Prussia to expel undesirables, it claimed the right to know *why* any given American citizen should be so considered. Otherwise, indiscriminate expulsion would "operate as a deterrent to the exercise of the rights of expatriation and the acquisition of allegiance granted under the naturalization treaties."

A new phase of the subject was introduced by cases of the former citizens of Alsace-Lorraine. By these cases it became evident that the Government of Germany was unwilling to admit that this territory was to be included under the provisions of the Bancroft treaties,<sup>39</sup> which were signed before the acquisition of those provinces. The United States refused to admit this non-applicability of the naturalization treaties to the territory of Alsace-Lorraine.<sup>40</sup> Germany contended that the United States had been informed of this stand definitely in 1881 and had accepted it without dispute at that time.<sup>41</sup> It is true that the subject was brought up in that year, but Dr. White, then American Minister, bears witness in his autobiography<sup>42</sup> that the German contention

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<sup>39</sup> F. R., '03, p. 443.

<sup>40</sup> F. R., '04, p. 319.

<sup>41</sup> F. R., '06, p. 652.

<sup>42</sup> Autobiography of A. D. White, Vol. I, pp. 592 ff.

"I immediately wrote to the minister of foreign affairs, stating the man's case, and showing that it came under the Bancroft treaties, or at least under the construction of them which the German Government up to that time had freely allowed. To this I received an answer that the Bancroft treaties, having been made before Alsace-Lorraine was annexed to the empire, did not apply to these new provinces, and that the youth was detained as a deserter. To this I replied that, although the minister's statement was strictly true, the point had been waived long before in our favor; that in no less than eight cases the German Government had extended the benefit of the Bancroft treaties over Alsace-Lorraine; and that in one of these cases the acting minister of foreign affairs had declared the intention of the government to make this extension permanent."

The German authorities still refused to free the citizen in question, and Dr. White perceived that Bismarck himself was behind the refusal.

"The matter became more and more serious. The letter of the law was indeed on Bismarck's side; but the young man was an American citizen and the idea of an American citizen being held in prison was anything but pleasant to me, and I knew that it would be anything but pleasant to my fellow-citizens across the water. . . . My position was especially difficult because I dared not communicate the case fully to the American State Department of that period. . . . I therefore stopped short with my first notification to the State Department—to the effect that a naturalized American had been imprisoned for desertion in Alsace-Lorraine, and that the legation was doing

was by no means accepted without dispute by the United States. On the contrary the discussion of the case of an American citizen who was arrested by the German military authorities on his return to his native province of Alsace, threatened to become a serious diplomatic incident and required skilled maneuvering on the part of the American Minister before the matter was adjusted. Dr. White pointed out to the minister of Foreign Affairs, that in at least eight cases the German Government had applied the Bancroft treaties to Alsace-Lorraine, and that "in one of these cases the acting Minister of Foreign Affairs had declared the intention of the government to make this extension permanent." After much delay the German Government freed the American citizen in question. It did not yield, however, its declaration that the Bancroft treaties did not apply to the annexed provinces. As in several other cases, the incident was therefore closed, leaving both countries holding opposite viewpoints.

Thus it became clear to both nations that the solution of the problem lay in the formation of a new treaty which should definitely place "American citizens born in Alsace-Lorraine on the same footing as other American citizens of German origin." Therefore, instructions were given<sup>43</sup> to the American Ambassador to enter into negotiations for such a treaty with the German Govern-

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its best to secure his release. To say more than this involved danger that the affair might fall into the hands of sensation-mongers and result in howls and threats against the German Government and Bismarck; and I knew well that, if such howls and threats were made, Bissharek would never let this young Israelite out of prison as long as he lived.

It seemed hardly the proper thing, serious as the case was, to ask for my passports. It was certain that, if this were done, there would come a chorus of blame from both sides of the Atlantic. . . . I secured from Washington by cable a leave of absence, but, before starting, saw some of my diplomatic colleagues, who were wont to circulate freely and talk much, stated the main features of the case to them, and said that I was 'going off to enjoy myself,' that there seemed little use for an American minister in a country where precedents and agreements were so easily disregarded. Next day I started for the French Riviera. The journey was taken leisurely, with interesting halts at Cologne and Aix-la-Chapelle; and, as I reached the hotel in Paris, a telegram was handed me—'Your man in Alsace-Lorraine is free.' It was evident that the chancellor had felt better and had thought more leniently of the matter, and I had never another difficulty of the sort during the remainder of my stay."

<sup>43</sup> F. R., '07, p. 511.

ment on the ground that the Bancroft treaties had had "the greatest influence in drawing the people of the United States and of Germany into friendly accord." Through the following year, 1908, no reply was received from the German Government<sup>44</sup> as to the negotiations suggested, although the German Secretary of Foreign Affairs had signified the willingness of his government to conclude such a treaty. The United States Ambassador was again instructed to bring the matter before the German Government. With these instructions, given in April, 1908, the whole correspondence on the subject ceased to be published in the United States Government diplomatic correspondence. It is therefore difficult to ascertain what the further developments were in regard to the long-continued problem of the rights of the naturalized American of German birth to freedom of sojourn in Germany.

Tracing the course of the controversy there is evident an increasing strictness in the policy of the German Government (particularly of the Prussian military authorities) toward the returning former Germans of military age, and the insistence of that government's right under international law to expel any citizen whom it considers to be undesirable. The United States policy became considerably modified, and in later years it admitted the rights claimed by Germany protesting only at a policy of indiscriminate expulsion. Throughout the controversy there was evident a spirit of willingness on the part of both countries, while maintaining principles, to yield in individual instances as a diplomatic favor and in deference to the friendly relations between the two countries.

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<sup>44</sup> F. R., '08, p. 376.

<sup>45</sup> F. R., '07, p. 511.

## CHAPTER IV

### COMMERCIAL RELATIONS

THE commerce of the United States and the German Empire was never regulated by a comprehensive commercial treaty. Temporary agreements were concluded from time to time determining the status of certain products of one country under the tariff provisions of the other, but the principles governing such decisions were not embodied in any formal treaty made since the unification of the empire. In the absence of such formal agreement the two nations used as a working basis the old treaty of 1828 between the United States and Prussia,<sup>1</sup> which placed the contracting parties on the basis of the "most-favored-nation" in all matters of commerce and navigation. The controversies which developed from time to time over the application of this treaty to the commercial legislation of the two countries, centered in a contrasting and, in the case of Germany varying interpretation of the "most-favored-nation" principle.<sup>2</sup> The question was whether that principle required the extension to all most-favored-nations, automatically, of any privilege granted to a single country or whether it required that extension only in return for compensation. The policy of Germany<sup>3</sup> was a changing one in this respect, the Imperial Government holding at certain periods the unconditional, and at others offering only the conditional concept. The United States held consistently to the narrower concept of recip-

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<sup>1</sup> For the question as to the validity of this treaty, see Chap. II, Treaty Relations.

<sup>2</sup> See Sen. Doc. No. 29, 62nd Cong., 1st Session.

Also Fisk: "Most-favored-nation Relations: German-American."—*Journal of Political Economy*, March, 1903.

Also F. R., 1911, p. 5.

<sup>3</sup> Calwer: "Die Meistbegünstigung der Vereinigten Staaten," p. 19 ff.



rocity, *i. e.*, no favors granted without compensating favors received. This, as has been shown (Chapter II), was expressly provided for by Article IX of the treaty of 1828 with Prussia.

The determining factor throughout the negotiations over questions of trade has been the tariff. In the case of both Germany and the United States the individual subjects of diplomatic protest are directly or indirectly related to the changing legislation of the tariff or to the changing application of existing tariff provisions. The tariff legislation, though affected by manifold domestic forces, political, industrial and even psychological, has been in general the product of the economic character of the countries enacting it. The industrial development of Germany<sup>4</sup> combined with the growth of American agriculture, revolutionized the economic position of Germany. It was changed from a food-exporting to a food-importing country. Before the first decade of the empire the agricultural sections of Germany had exported considerable quantities of grain. Later, however, the development of the American northwest and the improvement of ocean transportation brought American cereals into the European markets in great quantities, so that the German farmers lost not only their export markets, but were in danger of losing their home market as well. The natural result was the development of an agrarian protective policy. This was embodied in the tariff law of 1879.<sup>5</sup> Protection for manufactured products was also increased especially by the system of premiums and subsidies. Two conflicting interests had to be served—German farmers must be protected against the overwhelming imports of American grain and livestock, and yet German industrials must receive raw materials, including foodstuffs, at a price low enough to enable them to compete with foreign manufacturers in the final selling price of their products. Count Caprivi recognized that Germany's future must be that of an industrial State and initiated a new tariff policy which took into account not only the agrarian interests but also the interests of the manufacturers, by reducing the rates of duty on raw materials and foodstuffs.

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<sup>4</sup> Fisk, U. S.-Ger. Com., Polit. Rel., p. 139.

<sup>5</sup> Fisk, U. S.-Ger. Com., Polit. Rel., p. 141.

The economic self-sufficiency of the United States, of the British Empire, and to a certain degree even of Russia, was beginning to create an economic danger for Germany and other Middle-European states. There developed therefore the movement toward a union of the nations of central Europe for mutual protection against the economic advantages of the other powers, particularly the United States. This expressed itself in a series of commercial treaties concluded since 1892 by Germany with Middle-European countries—agreements which sought to abolish commercial barriers between them and create a greater economic independence for the contracting powers. The<sup>6</sup> treaties included reductions of duties on agricultural products, slight reductions of duties on manufactured products, and were concluded for a period of twelve years. As a matter of fact, it is difficult to see the immediate commercial advantage to Germany of these agreements since she proceeded to extend the advantages expressed in them to the many countries, including the United States, with whom she was bound by the principle of the “most-favored-nation.” The treaties were, however, the embodiment of an idea which has threatened at various recent times to express itself much more effectively, that is, in the form of a Middle-European Tariff Union.

The high protective policy developed by the United States at the time of the Civil War and maintained in principle ever since, finds its counterpart in the protective policy of Germany, which developed a little later, beginning with the tariff of 1879.<sup>7</sup> There is, however (up to within very recent years) the important difference that the German protective system has been dictated by the Agrarian Party, whereas the protectionists of the United States have been the manufacturing interests. Owing to the character of the exports of the two countries this worked to the American benefit. Throughout the diplomatic protests and counter-protests that follow the tariff changes, the economic advantage is constantly with the United States. Germany could hedge in her manufactures with protective measures, but she must keep low or admit free

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<sup>6</sup> Fisk, *Mid. Eur. Tar. Union*, p. 595.

<sup>7</sup> Fisk, *U. S.-Ger. Com., Polit. Rel.*, p. 144.

the raw products required by those industries. These raw products she obtained in large measure from the United States. Even in the case of United States' food products against which she could and did enact restrictive measures, she must face the opposition of a large and growing portion of her own people, the industrials who were demanding the cheap and abundant articles of food furnished by America. The United States on the other hand, in its strong policy of industrial protection, enacted tariff measures which opposed almost the complete range of German exports, since these consisted almost exclusively of manufactured goods.

Such was in general the economic background for the trade relations between the two countries. Commercial conflicts brought before the diplomatic departments for solution related themselves in complicated and often very indirect fashion to the changing tariff enactments.

One of the earliest and most enduring subjects of controversy was that over American pork and the prohibition of its importation into Germany. This commercial conflict began with the imperial decree of June 25, 1880,<sup>8</sup> prohibiting the admission into Germany of all kinds of pork except hams and sides of bacon. The reason given for the decree was an epidemic of trichinosis due to the eating of diseased pork. The exemption was made in the case of hams and sides of bacon because, through proper inspection, the trichinæ might be detected in these and the infected meats condemned. In 1882<sup>9</sup> a request on the part of the United States to have this decree modified for the benefit of certain prepared meat products of two important meat packing companies was refused. In 1883<sup>10</sup> a measure was brought before the Bundesrath prohibiting the importation of *all* American pork, including hams and live animals. In protesting<sup>11</sup> the passage of this measure the United States stated that the assumption of the diseased condition of American pork was unfounded and unjust, that German trade interests in the admission of the pork were very great, that its cheapness made it an important food product for the poorer

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<sup>8</sup> F. R., '82, p. 158.

<sup>10</sup> F. R., '83, p. 320.

<sup>9</sup> F. R., '82, p. 158.

<sup>11</sup> F. R., '83, p. 320.

classes in Germany, and that the planned reduction of United States' import charges would so aid German manufactured goods that Germany should favor the products of the United States. That the innocuous character of American pork might be demonstrated, President Arthur invited Germany<sup>12</sup> to "send a commission of experts to the United States to examine the raising and packing of hogs and hog products for food." This invitation was declined. The reason given was<sup>13</sup> that the prohibition was "a measure of internal German legislation found necessary after careful investigation on sanitary grounds and closely connected with the internal institutions of the country. . . . Germany by its strict and rigorously enforced legislation afforded the same protection to its people at home against all danger from German cattle and hogs, it could not therefore treat the foreign producers better than its own. An investigation of the American methods of raising hogs and preparing hog products by a commission of German experts in the United States could not effect a material change in this respect." It is difficult to follow this reasoning. An investigation by a German commission might have shown the American methods to be as careful and the meat as healthful as the German, in which case there would be no better treatment of the foreign producers. It is also difficult to see the applicability of the other arguments used, namely, that Germany made no request to England to investigate German conditions when that country chose to impose restrictions on the importation of German cattle. Nor does the further argument seem conclusive that Austria-Hungary, whose cattle were also excluded from Germany, had not suggested an inquiry of German officials. The most justifiable of the reasons assigned<sup>14</sup> was that while a commission might find perfect order in the establishments it might visit, there was no law guaranteeing uniformity of inspection throughout the United States.<sup>15</sup>

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<sup>12</sup> F. R., '83, p. 335.

<sup>13</sup> Sen. Report No. 345, 48th Cong., 1st Sess., p. 144 ff.    <sup>14</sup> Ibid., p. 153 ff.

<sup>15</sup> Senate Report No. 345, 48th Cong., 1st Sess., pp. 144 ff.

Secretary Frelinghuysen summed up the ground of refusal to be that "in a matter concerning domestic sanitary legislation, the German Government could not enter into any arrangement which might imply an obligation on its part to accept and be bound by a state of facts existing outside of its jurisdiction." Ibid., page 6.



In spite of these protests of the American minister and others from German merchants interested in the importation of American pork, the decree of prohibition was passed by the Bundesrath.<sup>16</sup> In trying to obtain a suspension of the prohibitory ordinance, the American ambassador expressed the warning that the United States might resort to retaliatory measures against German products.<sup>17</sup> The prohibition, however, went into effect.

<sup>16</sup> F. R., '83, p. 360.

<sup>17</sup> This action on the part of Mr. Sargent was disapproved by Secretary Frelinghuysen and the minister was instructed to make explanation of this to the German Government. See the following extracts from the correspondence.

F. R., 1883, p. 342. (Inclosure in No. 111.)

. . . . . Mr. Sargent to Count Hatzfeldt.

LEGATION OF THE UNITED STATES,  
BERLIN, February 23, 1883.

" Inasmuch as the United States are a large and growing consumer of German manufactures, and the food they export to Germany is a principal article of exchange, the laws of trade must dictate their obtaining the goods they import elsewhere, if the equivalent which they furnish is refused. This would probably result even if the Congress did not meet the issue by legislation under the belief that another motive than the unsoundness of American pork products caused this exclusion. Such a belief, of course, could not obtain if fair investigation on the spot by German experts showed dangerous unsoundness to exist.

A. A. SARGENT."

F. R., 1883, p. 356, No. 185.

Mr. Frelinghuysen to Mr. Sargent.

DEPARTMENT OF STATE,  
WASHINGTON, March 14, 1883.

" So far as your intimation touches the operation of the laws of international trade, it is unexceptionable. Those laws control themselves, and commerce must perforce work its own channels in the most natural directions; but when you go further and indicate the possibility that this Government may resort to retaliation if its views be not assented to by Germany, you introduce an element which it was not intended to present.

The action taken by this Government was unusual, and necessarily presupposed that the direct proposal of the President to the Imperial Government would be entertained in the same frank spirit in which it was proffered; and no doubt, it will yet receive a courteous reply, whether favorable or unfavorable.

It may be that His Majesty the Emperor may decline to send hither a commission as has been proposed, through unwillingness, possibly, that the results of its labors should have a binding effect upon his Government, such as might naturally be supposed to follow from a commission created by imperial order. The German Government has an undoubted right to withhold its concurrence in the suggestion of the President and the exercise of the right would give no occasion for offense. It is the duty of governments to

The prohibition was not confined to Germany. Restrictive measures of varying degrees of severity had been enacted against American pork products since 1879 by France, Austria-Hungary, Italy, Turkey and Greece and, for a short time, by England. The movement, according to the Secretary of State, Frelinghuysen,<sup>18</sup> was at first confined to hygienic considerations, but soon became subjected to the pressure of the local pork industries in the various continental countries, the general tendency of the scientists becoming opposed to the prohibitive measures as unwise and unnecessary.

In the year following the German prohibition decree the whole subject of the restrictions of European countries against American

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be jealous of the health and careful of the interests of the citizens or subjects, and the President does not seek to support an appeal to German sense of equity by any menace.

In this view of the matter, therefore, any intimation, such as is contained in your note to Count Hatzfeldt, that retaliation might ensue in the event of a refusal, was out of place."

Senate Report No. 345, 48th Cong., 1st Sess., p. 154, No. 98.

Mr. von Eisendecker to Mr. Frelinghuysen.

IMPERIAL GERMAN LEGATION,  
WASHINGTON, July 27, 1883.

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The aforesaid note of Mr. Sargent made an unpleasant impression in Berlin, both because of its interference in the domestic affairs of Germany, and of its tone, which was not in harmony with the friendly relations existing between the two governments. The German Government is consequently much gratified to find that the Government of the United States does not adopt the position taken by its representative in his aforesaid note."

Mr. Sargent's severe criticism of the German Government and his impugnement of its motives in issuing and maintaining the decree of prohibition against American pork, led finally to his recall "disguised under the name of transfer." See Moore's Digest of International Law, Vol. IV, p. 722; Autobiography of Andrew D. White, Vol. I, p. 594; and John W. Foster's "Practice of Diplomacy," pp. 116 and 117.

<sup>18</sup> Senate Report No. 345, 48th Cong., 1st Sess., p. 4.

Also President Cleveland's message to Congress, December 8, 1885. (F. R., 1885, p. x.)

"I regret to say that the restrictions upon the importation of our pork into France continue, notwithstanding the abundant demonstration of the absence of sanitary danger in its use; but I entertain strong hopes that, with a better understanding of the matter, this vexatious prohibition will be removed. It would be pleasing to be able to say as much with respect to Germany, Austria and other countries, where such food products are absolutely excluded, without present prospect of change."

products was brought before the United States Congress. The Committee on Foreign Relations, acting on a resolution of the Senate, submitted a report recommending a bill which provided for measures of reprisal.<sup>19</sup> The President was to be authorized "at his discretion to exclude from the United States, by proclamation, any product of any foreign state which, by unjust discrimination, prohibits the importation into such foreign state of any product of the United States." Such a provision was not passed at this time but was finally embodied in the Meat Inspection Law of August 30, 1890.<sup>20</sup> In presenting its recommendation the Foreign Relations Committee had based its conclusions as to the general healthfulness of American pork products on the report of a commission which had been appointed by the President to investigate the conditions of the swine industry in the United States and had testified to the generally healthful condition of the pork.<sup>21 22</sup>

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<sup>19</sup> Senate Report No. 345, 48th Cong., 1st Sess., p. 2.

<sup>20</sup> U. S. Statutes, 51st Cong., 1st Sess., '89-'90, No. 5.

<sup>21</sup> House Ex. Doc. No. 106, 48th Cong., 1st Sess., p. 136.

<sup>22</sup> Senate Report 345, Part 2, 48th Cong., 1st Sess.

At the time these recommendations were submitted by the Committee on Foreign Relations a minority report was filed by Senator Vance of North Carolina, Democratic member of the Committee, as follows:

"The undersigned is not able to concur in the report of the committee, and is constrained by the importance of the subject to present the reasons for his non-concurrence.

The matter complained of, and which the bill is designed to remedy, is the exclusion of our hog products from entering Germany for sale on the ground that they are unwholesome. In my opinion, Germany has the right to do this if she deems it proper, and that we are not justified in impeaching her motives in so doing.

If it be true that our pork is to any extent unwholesome, we should endeavor, by a rigid system of inspection, to remove the cause of complaint.

If it be that fear of trichinosis is only a pretext, and that the real reason for excluding our hog products is the desire to protect their own producers, then we are the last people on earth who ought to complain. After surrounding ourselves for more than twenty years with a protective tariff wall so high as to exclude virtually all the products of Germany which compete with ours, it is rather late for us to advocate retaliation against a Government which merely follows our example. In fact Germany's action is retaliation, and the cry of 'Stop thief' cannot change the true condition of things. We have got to learn that we are not so great and independent as to enable us to defy the laws of political economy and the amenities of international trade with impunity.

We have been told again and again that our true policy was to shut up

With the continuance of the restrictions the president in a later message to Congress recommended<sup>23</sup> legislative measures for the prevention of the importation of swine and products of swine from France and Germany on the same ground of the unhealthful condition of the meat. Germany regarded this recommendation as purely retaliatory because of the measures in Germany against American swine products and declared that Germany's exportation to America consisted mainly of the fine types of sausage in the manufacture of which especial care was taken in Germany. It was also stated that if the United States wished the removal of the German prohibition, the way to secure it lay not in reprisals but in reforming her slaughter-house and packing methods.

In 1891 the subject of the withdrawal of the prohibition against American pork was brought before the Reichstag.<sup>24</sup> Those favoring the withdrawal voiced their own and the United States' contention that the meat was healthy, that it was eaten in the United States, England and elsewhere without injury, that the German working people needed it as a cheap and nourishing food, that the United States felt keenly this discrimination against one of its staple products, that the decree when passed in 1883 was considered to be merely a temporary measure, and most important of all, that the American government had just passed a law providing for a very strict inspection of the hogs and hog products which should guarantee the healthy condition of the meat. The

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our manufactures from the competition of the world, and that all the nations thus excluded would be compelled, nevertheless, to buy our breadstuffs and provisions—that they could not do without them. We are greatly surprised and indignant when one important customer says he can get along without our hog products, and forbids their coming in: and we propose to retaliate! For what? For simply and frankly forbidding them to be imported. Suppose, instead of doing this, Germany had imposed a duty of 100 per cent. on them, which as effectually prohibited their importation, what then? Where would be our so-called retaliation? The undersigned can see no difference whatever in the two methods of prohibition, so far as results are concerned, only that one is manly and direct, while the other is indirect and based on false pretenses.”

<sup>23</sup> F. R., '88, p. 629.

<sup>24</sup> F. R., '91, p. 502.



attitude of the German government was growing more lenient<sup>25</sup> and it implied its willingness to remove the prohibition provided that fullest measures for sanitary meat could be secured. It declared, however, that it was not yet satisfied with the methods of slaughtering and preparing meat in America and that the new law adopted by Congress was inadequate, because the inspection provided for was not compulsory, and was made on the meat after it had been boxed.

Although the measure did not pass at this session the German minister a few months later intimated to the American Secretary of State<sup>26</sup> that his government was willing to accept the inspection provided for by the new and more stringent law enacted by Congress on March third of that year. By the new act inspection was made compulsory and universal throughout the United States. The inspection was made by microscope both before and after the slaughter of the animal and the examined products were clearly labelled and identified throughout all future stages of marketing.

It is important at this juncture to observe the role of the tariff and its use by both countries to regulate reciprocal concessions. The highly protective McKinley tariff of 1890 had just been enacted.<sup>27</sup> It had removed the duty on sugar, replacing it by bounties paid to domestic sugar producers. It had, however, provided for the possibility of the renewal of the duty by a reciprocity clause giving the president power to impose by proclamation certain duties on sugar, molasses, tea, coffee and hides, if he considered that any country exporting these commodities "imposed duties on other products of the United States which . . . he may deem to be reciprocally unjust or unreasonable." Therefore, in the same interview<sup>28</sup> in which the German minister intimated that his government might be willing to accept the new meat

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<sup>25</sup> F. R., '91, p. 502.

<sup>26</sup> F. R., '91, p. 511.

<sup>27</sup> Taussig, *Tariff Hist. of U. S.*, p. 276 ff.

<sup>28</sup> F. R., '91, p. 511.

"most-favored-nation" has been viewed in radically opposite ways by German officials. The Imperial Chancellor, Prince von

inspection of meat of August thirtieth, 1890, is correct, I await information from you as to the time when the act of March third, 1891, is to be fully enforced, in pursuance of the regulations of March twenty-fifth, 1891.

I avail, etc.,

A. VON MUMM."

The German Charge d'Affaires received on the same date the following reply from Mr. Foster:

SARATOGA, August 22, 1891.

"SIR:

I have the honor to acknowledge the receipt of your note of today in which you inform me that, when the Government of the United States shall be able to announce to the German Imperial Government that the provisions of the law of March third of the present year and the regulations of the twenty-fifth of the same month, respecting the inspection of meat destined for interstate and foreign commerce, have been practically put in operation, the Imperial Government will take the necessary steps for abolishing the order of March sixth, 1883, prohibiting the importation into Germany of hogs, pork and sausages of American origin; and you further state that, in view of this declaration and of the further fact that the Imperial Government is willing to grant to the United States the same tariff reductions in agricultural products which have been granted by commercial treaty negotiations with Austria-Hungary or which may be granted to other countries, the Imperial Government entertains the expectation that no cause will thereafter exist for the President of the United States to make use, as against the German Empire of the powers conferred upon him by the Fifty-first Congress in Section 3 of the tariff law of October first and section 5 of the meat inspection law of August thirtieth, 1890.

It gives pleasure to announce to you that the inspection of meat in accordance with the law of March third last and of the regulations of the twenty-fifth of the same month, is now and for some weeks past has been in practical operation under the direction and at the expense of the Government of the United States, and that meat so inspected will be ready for exportation to Germany on or before the first day of next month. It is also very gratifying to me to give the assurance by direction of the President, that the contemplated action of the Imperial Government in abolishing the order of March sixth, 1883, prohibiting the importation of hogs, pork and sausages of American origin will remove the occasion for the exercise by the President, as against the German Empire of the power conferred upon him by section 5 of the meat inspection law of the Congress of the United States of August thirtieth, 1890.

I am further directed by the President to state that he accepts the action of the Imperial Government in proposing to grant to the agricultural products of the United States the same tariff reductions, on their importation into Germany, as are granted to the similar productions of Austria-Hungary embraced in the commercial treaty recently negotiated with that government, or which may be granted by Germany to other countries, as a due reciprocity for the action of the Congress of the United States as contained in section 3 of the tariff law of October first, 1890; and that as soon as he shall be officially informed that the Imperial Government is prepared to decree the admission of the indicated products of the United States into the German Empire at the reductions of the general tariff proposed, the President will cause the necessary orders to be given to secure the continued free admission into the United

Buelow, held<sup>35</sup> that the sweeping admission of all American Products to the lowest rates of duty granted by the German treaties with European countries was evidence that Germany interpreted the old 1828 treaty clause at this time in the broadest sense; that is, that she admitted the United States to the full status of the "most-favored-nation." Richard Calwer, Social Democrat,

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States of the articles, the product of the German Empire enumerated in section 3 of said law of October 1, 1890.

I remain, etc.

JOHN W. FOSTER,  
Special Plenipotentiary of the United States."

Mr. Foster, to whom had been assigned the task of conducting all the reciprocity negotiations arising from the McKinley tariff, gives in his *Memoirs* (Vol. II, p. 6) an account of the negotiations with Von Mumm at Saratoga. The discussions were not to be made public until an agreement could be reached and a premature announcement gave President Harrison some temporary uneasiness. On September 10, 1891, he wrote to Mr. Foster (Vol. II, p. 14).

"MY DEAR GENERAL:

I was extremely mystified when I found that General Rush (Sec'y of Agriculture) had talked about matters that I had explained to him with great care were confidential. He came here himself directly from Chicago to ask me on behalf of Swift and other packers there whether it would be safe for them to start a cargo of sugar-cured hams, etc., for German ports in view of the fact that it would take several weeks to get it there. I felt that as this matter directly touched his department, it was proper for me to tell him that the agreement had been reached,—but I told him how confidential the whole matter was; but he seems to have understood, that when the announcement of the admission of our pork came from Germany, the whole matter was open for comment.

I have written to Mr. Wharton to say to Mr. Von Mumm that I was very much mortified at this mischance, and also that if he thought it desirable, a statement might go out from the State Department or from you to the effect that the reciprocity part of the negotiations had not been completed, and that there would be further correspondence before a general conclusion would be reached; but that it was hoped some general result would be reached in view of the friendly attitude of Germany. This would be more nearly true than most diplomatic utterances and certainly than most newspaper interviews; indeed it would be literally true, because we do not yet know the articles that are to be included and do not know the rates, and indeed do not certainly know that the treaty of which we are to have the benefit will be completed."

No harm befell the negotiations, however, the tariff privileges of the German treaties with Austria-Hungary and other European countries were extended to the United States (F. R., '97, p. 176) and the agreement was hailed "as a great achievement in benefit of American commerce." (Foster, Dipl. Mem., Vol. II, p. 14.)

<sup>35</sup> V. R., Vol. 22, Anl. Nr. 391, p. 62.

member of the Reichstag, pointed out,<sup>36</sup> on the other hand, that the fact that the Imperial Government used the removal of the prohibition against American pork as a means of buying tariff concessions from the United States demonstrated a status of mere reciprocity between the two nations.<sup>37</sup> Certainly the bargaining character of the Saratoga Agreement was unmistakable and as such was contrary to an unrestricted most-favored-nation policy.

On September 3, 1891, the decree repealing the decree excluding American pork was signed.<sup>38</sup> Proclamation was therefore not made imposing a tax on German sugar.

Four years later the Wilson tariff (1894) changed the basis completely.<sup>39</sup> The reciprocity provisions were removed.<sup>40</sup> The new law reimposed the tax on sugar.<sup>41</sup> Raw sugar was placed under an ad valorem duty of 40 per cent. and refined sugar under an additional specific duty of one-eighth of a cent a pound. The

<sup>36</sup> Calwer, "Die Meistbeguenstigung der Ver. St.," p. 20.

<sup>37</sup> Sen. Doc. No. 29, 62nd Cong., 1st Sess.

Also G. M. Fisk, "Most-favored-nation Relations—German-American," in *Journal Political Economy*, March, 1903.

F. R., 1911, p. 5.

<sup>38</sup> F. R., '91, p. 577.

"The decree respecting the prohibition of the importation of swine, swine's flesh, and sausages of American origin, of March 6, 1883 . . . ceases to be in force for living swine as well as for such products as are provided with an official certificate stating the flesh has, in the land of origin been examined pursuant to the rules in force there, and has been found free from qualities injurious to health."

<sup>39</sup> Taussig, *Tariff Hist. of U. S.*, p. 313

<sup>40</sup> McKinley, *The Tariff*, pp. 204 and 205.

In introducing his bill, Mr. Wilson, Chairman of the Committee on Ways and Means, set forth the objections to these provisions of the McKinley Tariff.

"This section," he said, "has brought no appreciable advantage to American exporters; it is not in intention or effect a provision for reciprocity but for retaliation. It inflicts penalties upon the American people by making them pay higher prices for these articles if the fiscal necessities of other nations compel them to levy duties upon the products of the United States which, in the opinion of the President, are reciprocally unequal and unreasonable. . . . Moreover, we do not believe that Congress can rightly vest in the President of the United States any authority or power to impose or release taxes on our people by proclamation or otherwise, or to suspend or dispense with the operation of a law of Congress."

<sup>41</sup> Taussig, *Tariff Hist. of U. S.*, p. 313.



bounty to domestic producers was abolished, but to offset this, an extra duty of one-tenth of a cent a pound was placed on the refined sugar from those countries which paid an export bounty to their sugar producers.

This measure affected Germany especially. She protested<sup>42</sup> on the ground that such a duty was in contravention of Article 5<sup>43</sup> of the commercial treaty of 1828 between the United States and Prussia.

Within two months after the Wilson Tariff Act, Germany notified<sup>44</sup> the United States of her intention to prohibit the importation of American cattle and fresh meats owing to the discovery of Texas fever in two recent shipments of cattle from the United States. The protest of the United States stated that this measure would needlessly create great injury, that the cattle affected by the Texas fever came from only a certain district of Texas, that export from this district had been prohibited and that the enforcement of such a measure would be considered in the United States to be unfriendly and merely retaliatory in return for the imposition of the surtax on German sugar. The protest also explained that the President intended to advise Congress to repeal the sugar tax and that this action of Germany's in regard to American cattle would defeat his effort.

President Cleveland carried out this intention and recommended to Congress,<sup>45</sup> "in the interest of the commerce of both countries, and to avoid even the accusation of treaty violation," the repeal of that portion of the tariff law which laid the extra duty on sugar. The United States' Secretary of State (Gresham) also agreed with Germany that the duty was a discrimination against a product of Germany<sup>46</sup> and was "an attempt to offset a domestic favor or

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<sup>42</sup> F. R., '94, p. 236.

<sup>43</sup> F. R., '83, p. 369.

*Article V.* "Nor shall any prohibition be imposed on the importation of any article the produce or manufacture of the United States or of Prussia, to or from the ports of the United States, or to and from the ports of Prussia, which shall not equally extend to all other nations."

<sup>44</sup> F. R., '94, p. 230.

<sup>45</sup> McKinley, *The Tariff*, p. 236.

<sup>46</sup> F. R., '94, p. 239.

encouragement of a certain industry by the very means forbidden by the treaty."

Protest was also made by Germany<sup>47</sup> against the imposition by the new tariff act of a duty on salt imported from a country which places a duty on salt imported from the United States. This was also held to be in contravention of the "most-favored-nation" clause of the Prussian treaty, and it was further explained that the duties on imported salt in Germany were only internal state taxes, not protecting the German domestic salt industry, and hence could not be considered as a duty on American salt.

Further protests were made by both countries<sup>48</sup> and while each denied that its measures were enacted for purposes of retaliation,<sup>49</sup> the danger of drifting into a tariff war became evident. A warning of this was expressed by the United States' ambassador to Germany who denied at the same time, however, any unfriendly attitude on the part of the German Government toward the United States.

The House of Representatives, early in the year 1895,<sup>50</sup> passed a bill repealing the surtax on sugar. The bill<sup>51</sup> did not, however, pass the Senate. The tax on salt also was maintained<sup>52</sup> as falling within the province of the tariff act. On the German side the prohibition of the importation of American cattle and fresh beef was maintained,<sup>53</sup> the German defense being that the increasing precautions against it taken by other districts of the United States were proof of its diseased condition. The German Government insisted<sup>54</sup> that the prohibition was purely from sanitary considerations, was not retaliatory and had no connection with the German complaint against the sugar surtax.

In 1897 the adoption of the Dingley tariff created a new set of

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<sup>47</sup> F. R., '94, p. 240.

<sup>48</sup> F. R., '95, p. 498.

<sup>49</sup> F. R., '95, p. 570.

<sup>50</sup> F. R., '95, p. 511.

<sup>51</sup> V. R., '95-'97, 213 Sitz., 3 Mai, '97, Vol. VIII, p. 5708.

<sup>52</sup> F. R., '96, p. 208.

The United States' Secretary of State took the occasion to renew the never settled question as to whether the provisions of the old 1828 treaty with Prussia were to be considered effective in other portions of the German Empire. (See also Chap. II, Treaty Relations.)

<sup>53</sup> F. R., '96, p. 165

<sup>54</sup> F. R., '95, Vol. I, p. 511.

problems for the diplomatic departments. The policy of reciprocity was revived.<sup>55</sup> The President was empowered<sup>56</sup> to negotiate with other countries for concessions in return for which the United States would reduce certain duties of the new act. The articles upon which the United States offered to reduce its tariff were argols (crude tartar), wine lees, brandies, champagne, wines, paintings and statuary—a list which Dr. Taussig declares was aimed to placate France<sup>57</sup> since the new schedule fixed considerably higher duties on silk. Section 3 then stated that—<sup>58</sup>

“Whenever the government of any country . . . producing and exporting to the United States the above mentioned articles, or any of them, shall enter into a commercial agreement with the United States, or make concessions in favor of the products or manufactures thereof which, in the judgment of the President, shall be reciprocal and equivalent, he is hereby authorized . . . to suspend . . . by proclamation to that effect, the imposition and collection of the duties mentioned in this act, on such articles.”

after which proclamation the duties on those articles coming from the specified country might be reduced by 20 per cent. of their maximum duties for a period of five years. Any treaties arranging for such concessions must be concluded within two years after the passage of the act.

The sugar tariff was also renewed<sup>59</sup> and given a still more retaliatory aspect by the provision that on articles from bounty-paying countries an additional duty should be imposed “equal to the net amount of such bounty or grant” paid by the foreign country to its domestic exporting industry. The net amount of such bounties was to be ascertained by the Secretary of the Treasury who should then regulate the assessment accordingly. In Germany’s case<sup>60</sup>

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<sup>55</sup> Taussig, *Tariff Hist. of U. S.*, p. 352

<sup>56</sup> U. S. Stat., 55th Cong., 1st Sess., '97, p. 203, Sec. 3.

<sup>57</sup> Taussig, *Tariff Hist. of U. S.*, p. 353.

<sup>58</sup> U. S. Stat., 55th Cong., 1st Sess., p. 204.

<sup>59</sup> U. S. Stat., 55th Cong., 1st Sess., '97, p. 205.

<sup>60</sup> F. R., '97, p. 175.

this provision meant a higher sugar duty than the Wilson tariff surtax imposed.

The Dingley tariff created considerable hostile sentiment in Germany toward the United States. By the provision that all sugar from bounty-paying countries should be subject to an extra tax equal to the net bounty paid by the exporting country, Germany was seriously affected and also felt it to be a discrimination against her product. In fact certain United States officials had so admitted in the case of the Wilson Tariff of 1894 which embodied the same principle. Secretary Gresham at that time stated that its effect<sup>61</sup> "would fall on Germany and Austria-Hungary alone" and that the measure was a "discrimination against the produce or manufacture of such countries." President Cleveland in his message to Congress had emphatically recommended<sup>62</sup> the repeal of the tax and the House of Representatives had voted for its repeal the following year (1895). The Attorney-General, however, in the similar controversy over the tariff on German salt, had rendered the opposite decision<sup>63</sup> and declared the tax on sugar to be perfectly consistent with the "most-favored-nation" clause, in the light of the longstanding American interpretation of that principle. He also pointed out that Germany had accepted such an interpretation in an international sugar conference of 1888 when the "representatives of both Great Britain and Germany expressly declared<sup>64</sup> . . . that the export sugar bounty of one country might be counteracted by the import sugar duty of another without causing any discrimination which could be deemed a violation of the terms of the most-favored-nation clause." The official opinions in the United States were therefore conflicting at this time<sup>65</sup> and the policies contradictory. What one house of Congress had repealed another Congress two years later had reenacted in more severe form. Although as, Mr. Olney had pointed out, Germany had agreed to such a principle in the Brussels conference of 1888, the effect was nevertheless to increase

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<sup>61</sup> F. R., '94, p. 239.

<sup>62</sup> F. R., '94, p. x.

<sup>63</sup> F. R., '97, p. 178.

<sup>64</sup> F. R., '97, p. 179.

<sup>65</sup> White, Autobiography, Vol. II, p. 134.



resentment in Germany, especially among those industrial classes directly affected by the measure. In addition to protesting on the ground of the treaty of 1828, the German ambassador also referred to the provisions of the Saratoga Agreement of 1891,<sup>66</sup> stating that it was the general belief that the United States thereby guaranteed exemption to Germany from the duty on sugar. The United States, however, considered that "the said agreement<sup>67</sup> was no longer in force at the time of the passage of the act of July 24, 1897 (Dingley tariff), inasmuch as the Act of August 28, 1894 (Wilson tariff) repealed section 3 of the act of October 1, 1890 (McKinley tariff) under which the agreement was made."

Strong opposition was expressed in the Reichstag<sup>68</sup> to the provisions and increased schedule of the Dingley bill and an interpellation was addressed to the government inquiring whether the government, in the face of these new American terms, would continue to grant to the United States the privileges of the treaty tariff. The reply of the German government was emphatically affirmative. Baron von Marschall, Minister of State and Secretary of the Foreign office, stated that—<sup>69</sup>

"The Confederated Governments, when they concluded the commercial treaty with Austria-Hungary could have no doubt that they were obliged to extend without further question to the United States the tariff reductions granted to Austria-Hungary. It would have been an offense against good faith if, after having repeatedly claimed from the United States rights in our favor, we had then denied our concept of those rights when our own obligations were in question."

Under the German concept of the unrestricted status of the "most-favored-nation," therefore, admission to the reduced rates of the treaties was still due to the United States.

In 1898 Germany issued a decree<sup>70</sup> prohibiting the importation of American fresh fruits and later extended this to dried fruits

<sup>66</sup> F. R., '97, p. 234.

<sup>67</sup> F. R., '97, p. 179.

<sup>68</sup> V. R., '95-'97, 213 Sitz., 3 Mai, '97, pp. 5701 ff.

<sup>69</sup> Ibid., p. 5709.

<sup>70</sup> R. Gbl., '98, Nr. 3, p. 5.

also, the reason given being the danger of the dissemination of the San Jose scale,<sup>71</sup> the prevalence of which in America the German Government held to be indicated by the strict measures enacted against it by several American states.<sup>72</sup> Dr. Andrew D. White, American Ambassador to Germany at this time, acknowledged that the publications of warning against the scale, issued by the United States Department of Agriculture at this period were sufficient excuse for alarm.<sup>73</sup> He directed his efforts, however, to demonstrating to the German Government<sup>74</sup> that the sweeping character of the prohibition was unnecessary and unfair, that

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<sup>71</sup> F. R., '98, p. lxxvii.

<sup>72</sup> Sen. Doc. 131, 55th Cong., 2nd Sess.

The California State Board of Horticulture, adopted August 15, 1894, a regulation ruling that

"Fruit of any kind . . . found infected with any insect or insects, or with any fungi, blight or other disease . . . is hereby prohibited from being offered for sale, gift or distribution within the State."

Agricultural Bulletin No. 3, New Series, 1896, pp. 72-74. "The San Jose Scale."

"We have already shown that the San Jose scale may be spread through the scattering of fruit parings at certain seasons of the year, and any legislation which is drafted with this insect in view should contain some such rule as the one just quoted."

<sup>73</sup> F. R., 1898, p. 322.

<sup>74</sup> Dr. Andrew D. White, Autobiography, Vol. II, p. 159.

Dr. White refers to the fruit situation in his autobiography:

"One morning came a storm of telegrams and letters stating that cargoes of American fruits had been stopped in the German harbors under the charge that they contained injurious insects. The German authorities were, of course, honest in this procedure though they were doubtless stimulated to it by sundry representatives of the land-owning class. Our beautiful fruits, especially those of California, had come to be very extensively used throughout the Empire, and the German consumers had been growing more and more happy and the German producers more and more unhappy over this fact—when there came from the American side accounts of the scale insect discovered on pears in California, and of severe measures taken by sundry other states of our Union to prohibit their importation. The result was the prohibition of our fruits in Germany, and this was carried so far that not only pears from California, but all other fruits from all other parts of the country were at first put under the ban, and not only fresh but dried and preserved fruits. . . . We took pains to show the facts in the case dealing fairly and openly with the German Government, allowing that the importation of scale-infected trees and shrubs might be dangerous, and making no objection to any fair measures regarding these. The Foreign Office was reasonable and gradually the most vexatious of these prohibitions were removed."

while there might be danger of infection from the importation of live shrubs and plants, this did not extend to the fresh and dried fruits. Upon presentation of the evidence, the German Foreign Office yielded in certain respects<sup>75</sup> and removed the restrictions against dried fruits, against fresh fruits in lots found uninfected, and removed also the requirement of inspection of American fruits passing through Germany in bond. The prohibition was maintained against the importation of live trees, shrubs and plants from the United States.

In response to the offer of the Dingley Tariff, France, Portugal and Italy made application to the United States<sup>76</sup> for admission to the reduced tariff schedule on the designated articles which formed an important part of their exports. Agreements were therefore concluded by the United States with these countries, each one granting certain reciprocal concessions<sup>77</sup> to American products. Germany then made her application for the extension of the same tariff concessions to her own exporters on the basis of the "most-favored-nation" clause of the Prussian treaty of 1828.

The United States replied that it could extend these reduced rates only in return for reciprocal concessions from Germany. Taking as its basis article IX of the Prussian treaty, which read:<sup>78</sup>

"If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted, to such other nation, or on yielding the same compensation, when the grant is conditional."

The American Government showed that the status of the relations<sup>79</sup> between the United States and the German Empire was not one of the unqualified "most-favored-nation," but one of reciprocity, as was expressly provided for in the above article.

<sup>75</sup> Sen. Doc. 131, 55th Cong., 2nd Sess., pp. 2 ff. Also F. R., 1898, pp. 340 ff.

<sup>76</sup> V. R., Vol. 242, Anl. p. 62.

<sup>77</sup> M., Vol. I, pp. 542 and 987. M., Vol. II, p. 1463.

<sup>78</sup> M., Vol. II, p. 1498.

<sup>79</sup> V. R., Vol. 242, Anl. p. 62.

In asserting this interpretation the United States could demonstrate a consistent line of policy held by the Union since its beginning,<sup>80</sup> and could cite numerous declarations by its leading statesmen from the time of the conclusion of the Prussian treaty forward, to show that it had maintained the principle of reciprocity as the basis of and in no way inconsistent with its most-favored-nation agreements. There was one notable exception to this American policy in the treaty concluded with Switzerland in 1850.<sup>81</sup> Articles VIII to XII of this treaty, as well as the correspondence conducted at the time of its conclusion, placed the two nations on the broad basis of "most-favored-nation" in so unqualified a manner that the United States admitted the treaty to be an exception<sup>82</sup> to its otherwise uniform policy. It constituted, therefore, in reality a violation of the reciprocity treaties with Germany and other countries in that it obliged the United States to extend gratuitously to Switzerland favors in tariff and commerce which it extended to other nations only in return for compensation. Realizing this fact the American Government annulled at this time the clauses concerned and renewed the Swiss treaty on the narrower basis. By so doing the United States emphasized anew its standpoint that under all such treaties it was bound to extend privileges only in return for what it agreed to consider equivalent compensation.

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<sup>80</sup> Sen. Doc. No. 29, 62nd Cong., 1st Sess.

Article IX is a typically worded "equivalence clause," and similar clauses modifying the basic "most-favored-nation" clauses (cf. Article V) are included in twenty-one out of twenty-eight American commercial treaties. (Ibid., page 4.) Even in the case of treaties not containing this equivalence clause the interpretation by the United States was the same as if they had contained the clause. (Ibid., page 13.) For a compilation of precedents of the above interpretation as rendered by the United States State Department and by the Supreme Court, see the above Senate Document. For early interpretations at the time of the conclusion of the Prussian treaty, see the following:

American State Papers: Class I, Foreign Relations, Second Series, Vol. V, No. 423, 18th Cong., 2nd Sess., pp. 641 and 669.

Ibid., Vol. V., No. 404, p. 883.

Ibid., Vol. VI, No. 438, p. 208.

Sen. Doc., 20th Cong., 1st Sess., Vol. V, Serial No. 167, Doc. No. 196.

<sup>81</sup> Malloy, Vol. II, pp. 1766 ff.

<sup>82</sup> F. R., 1899, pp. 746 ff.



The German Government agreed to accept the United States' interpretation of the Prussian treaty clause, and in a note to the American Government formally placed the commercial relations of the two countries on a reciprocity basis as follows:<sup>83</sup>

"If two contracting parties are of a different opinion concerning their treaty obligations, the one interpreting the same in a narrower the other in a broader sense, then the latter must suffer a disadvantage. As long as the difference of concept did not lead to an actual differentiation of Germany in the United States, the Imperial Government was in the position on the basis of the broader interpretation of the treaty to grant to the United States the complete rights of the "most-favored-nation." But after the Union recently had concluded with several countries special agreements which granted these tariff favors, while the latter were withheld from Germany, then there was actually no longer allotted to Germany on the part of the United States the rights of the "most-favored-nation." In order that the actual injury accruing to the German Empire from the treaty relationship in consequence of the difference of opinion over the mutual duties, may not be allowed to become a permanent one, the Imperial Government makes its own the narrower interpretation of the treaty adopted by America. Accordingly, however, just as Germany can lay claim to the favors granted by the Union to third countries, only in exchange for equivalent concessions, so the United States of America can without corresponding compensation have no title to the German treaty clauses which Germany has granted to no state without compensation but only in return for particular treaty obligations or in return for the granting of the unconditional status of the "most-favored-nation."

The United States agreed to the new basis<sup>84</sup> for the commercial relations between herself and Germany and accepted the privilege

<sup>83</sup> V. R., Vol. 242, Anl. p. 63 (transl. by author).

<sup>84</sup> F. R., 1878, pp. 382, 403 and 405.

Though Germany presented this as a *new* basis, and appears to have so considered it, it was really not new but had been adopted as early as 1878 when Germany acquiesced in the special reciprocity treaty between the United States and Hawaii. The Hawaiian representative, Mr. Carter, reported June 25, 1878, following his mission to Europe, the following account of these negotiations in Berlin (p. 403).

"My negotiations with that (German) government were retarded by its reluctance to make a commercial treaty without providing for the fullest

of access to the German treaty tariff as a satisfactory return measure for the concessions provided for by the Dingley tariff. In acknowledging the right of Germany to adopt the same construction as the United States of its obligations under the treaty of 1828, Secretary Hay pointed out<sup>85</sup> that this construction must be then applied by Germany to all governments whose interests were protected by like treaty clauses. If Germany should apply one construction to the treaty clause when it concerned the United States and another broader construction when it concerned another country, then that fact would in itself violate the treaty as one nation would be receiving favors gratuitously and the United States only in return for compensation. In other words, it would be a similar situation to that of the United States and the Swiss treaty, a condition which had caused the United States to annul parts of that treaty. As a matter of fact the situation *was* such as Secretary Hay set forth. By the treaty of Frankfurt, of 1871,<sup>86</sup> Germany was placed on an unrestricted most-favored-nation basis with France and was obliged to extend to France gratuitously any commercial favor granted to any other nation. This was therefore contradictory to the new construction adopted by Germany in order to place itself on a reciprocal basis with the United States. Whether the existence and purport of the Frankfurt

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equality in respect to import duties. They, however, finally acknowledged that the peculiar circumstances of our position justified them in so doing, and an article was framed by which it was agreed that the special advantages granted to the Government of the United States in consideration of equivalent advantages should not in any case be invoked in favor of Germany."

<sup>85</sup> F. R., 1899, p. 301.

<sup>86</sup> Calwer, "Meistbeguenstigung der Vereinigten Staaten," p. 18 (translation by author).

"Now, we stand, on the other hand, with France, on an actually unrestricted most-favored-nation basis. We must, according to provisions of the Frankfurt peace, extend to France at once (ohne weiteres) each tariff concession granted to England, Belgium, the Netherlands, Switzerland, Austria and Russia. In connection with this relationship to France, Article IX of the Prussian-American Treaty loses all meaning; from the construction of the principle of reciprocity there follows indirectly the just claim of the United States to the unrestricted most-favored-nation treatment. Since all favors are granted to France without any compensation, so all compensations cease to be due from the United States." ("So kommen auch fuer die Vereinigten Staaten solche Gegenleistungen ueberhaupt nicht mehr in Betracht.")

treaty were realized by the United States or not, no direct protest against it was made.

The understanding as to their treaty relation by the two nations was embodied in the reciprocal commercial agreement<sup>87</sup> concluded July 10, 1900. By this agreement the United States reduced the tariff rates on the following German products: argols, crude tartar, crude wine lees, brandies, spirits, wines, vermouth, also upon oil and water-color paintings, drawings and statuary. The German Government in return reextended to the products of the United States the low rates conceded by the treaties of 1891 to 1894 to Belgium, Italy, Austria-Hungary, Rumania, Russia, Switzerland and Serbia. It also removed the inspection requirements from dried and evaporated fruits imported into Germany from the United States.

The United States did not gain by the agreement of 1900 any new privileges in relation to the German tariff. Under the status of the "most-favored-nation" and also through the Saratoga Agreement she had had extended to her since the formation of the German commercial treaties their tariff reductions. Germany also did not gain actually any great advantage from the concessions offered by the United States since the articles enumerated constituted less than 2 per cent. of her exports and were much more important to the other countries, France, Italy and Portugal, than to Germany. (U. S. Tariff Commission Report, "Reciprocity and Commercial Treaties," 1919, Pt 5, p. 238.) The agreement, however, formally assured to the United States the privileges she already enjoyed and extended to Germany the most favorable terms permitted by the Dingley Tariff. Actually she was, therefore, a "most-favored-nation" even though the United States denied that the relations were maintained on that unqualified principle. Germany, in admitting the United States to the advantages regulated by the treaties then in operation with European states,<sup>88</sup> did not agree to extend to her any further advantages which might be made to the same or other nations in future treaties. On the

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<sup>87</sup> M., Vol. I, p. 558.

<sup>88</sup> V. R., Vol. 242, p. 64.

whole the agreement did not cover the most important factors of commercial controversy between the two countries.

It was now Germany's turn to overthrow the commercial diplomatic proceedings with a new tariff. This did not happen suddenly, however. The proposed act was given careful and elaborate consideration<sup>89</sup> for three years and was then published before being presented to either the Bundesrath or the Reichstag for discussion and enactment. The period was one of "scant harvests and extreme industrial and commercial depression." This had caused an increase in the imports of grain and foodstuffs from the United States and a corresponding increase in the hostility of the Agrarian Party toward the Union.<sup>90</sup> The trade balance in favor of the United States was creating anxiety throughout Germany<sup>91</sup> and in other European countries. There were academic discussions on the economic situation. Baron von Waltershausen, Professor of Political Economy at the University of Strasburg, pointed out in an elaborate essay that "the American trade balances of the three

<sup>89</sup> U. S. Commer. Rel., 1901, p. 262.

<sup>90</sup> V. R., '98-'00, Bd. I, 30 Sitz., 11 Feb., 1899, S. 783 ff.

Count von Kanitz, leader of the agrarians, voiced the attitude of the party before the Reichstag. Having set forth the important development of American commerce and its penetration of European countries, he continued as follows (transl. by author):

"Everything points to the fact that if this course of development is not interrupted the United States will gain in a short time a serious advantage (Uebergewicht) over the old culture-lands (Kultur-laender) of Europe, not only in industrial and commercial relations but also in the consideration of their status as a political power. If we seek the causes of this rapidly advancing alteration, the answer is not difficult to find. It is not the greater intelligence, not the better developed spirit of enterprise or industrial diligence of the American population, which creates this headstart for them, but it is a deliberate (zielbewusst), I might almost say, reckless tariff policy, which has led to these conditions. . . ."

Concerning the Dingley tariff in particular he continued:

"That is no longer the principle of the protection of national labor for which we German protectionists strive—here (in the Dingley Tariff) it is not a question of keeping domestic production in a condition to meet the competition for foreign countries, but this policy aims at the displacement of foreign products and thereby are necessarily created conditions which must sooner or later prove to be unbearable to the nations engaged in world commerce."

<sup>91</sup> U. S. Com. Rel., 1901, p. 261.



fiscal years, 1898, 1899 and 1900 had reached the amazing total of \$1,622,000,000—almost the war indemnity paid by France to Germany (1870) and had reversed the position of the Union and made it the creditor instead of the debtor of Europe.” Councils were held and plans formulated for defensive measures<sup>92</sup> in the creation of a Middle European Tariff Union. This did not materialize, partly owing to the trade rivalries between the separate continental powers, but the opposition to the United States was strong.<sup>93</sup> The new German tariff, therefore, increased protection both to the manufacturing and agrarian classes. The American Consul-General at Berlin reported<sup>94</sup> that “it roughly doubles the import duties on cereals, meats and other food products, and, while generally favoring raw materials, increases the duties on practically all manufactured merchandise which is or can be produced in Germany.” Important to the country’s foreign relations were its reciprocity provisions. In the opening article of the law<sup>95</sup> the reservation is expressed that the provisions of the tariff shall

<sup>92</sup> Fiske, *Mid. Eur. Tar. Union*, p. 595 (*et al.*).

<sup>93</sup> V. R., 1898–1900, Bd. V, 157 Sitz., 1 Maerz, 1900, p. 4384.

Evidence of this hostility was produced in the Reichstag by Kunert, a Social Democrat, who in opposing the anti-American policy of the Agrarians, made public an instruction issued by a Prussian official, Baron von Rheinbaben, to the Councillors (Landraethe) and Over-mayors of Duesseldorf on July 24, 1899. It concerned the treatment of foreign consuls and gave instructions that all properly delegated foreign consuls should be allowed to ask all questions within the bounds of their official duties and should receive direct replies so long as they should not be questions of general import (*allgemeiner Bedeutung*). But in the case of American consuls, any information which might injure German interests was to be withheld. Under the information which was under no circumstances to be given to American consuls were classed statistical statements concerning infringements of the food-law, especially concerning the production and sale of unwholesome food and other products (including toys) dangerous to health, or concerning the discoveries of trichina in domestic meat, and concerning human and animal diseases.

As brought out by the Reichstag member himself, this instruction was not only unfair and hostile to the United States but was a confession of guilt on the part of Prussian officials. How extensive was the scope of the order was not stated, but the discussion was closed after Kunert’s speech and the validity of the instruction was left undenied.

<sup>94</sup> U. S. Com. Rel., 1901, p. 262.

<sup>95</sup> R. Gbl., 1902, p. 303.

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<sup>94</sup> *U. S. Com. Rel.*, 1901, p. 262.

<sup>95</sup> *R. Gbl.*, 1902, p. 303.

hold "in so far as the imports from particular countries are not regulated by other stipulations." Definite provision is then made for retaliatory tariff measures. Section 10 states:<sup>96</sup>

"Dutiable products, which come from countries in which German ships or German products are treated less favorably than those of other countries, may be subjected in addition to the tariff duty, to a surtax up to double the amount of this law, or to the full value (of the products). Duty-free products may, under the same supposition, be subjected to a duty amounting to half of their value.

The measures here provided for shall be put into operation by Imperial order after securing the consent of the Bundesrath. The orders in question are to be imparted to the Reichstag at once, or, if it is not in session, at its next convening. They are to become inoperative if the Reichstag does not give its consent."

The tariff law was enacted December 25, 1902.<sup>97</sup> Its general application to most nations could not be made until 1904, because the commercial treaties concluded from 1892 to 1894 under the Caprivi Chancellorship did not expire until the close of 1903.<sup>98</sup> This left a period of two years in which other nations could negotiate either for separate commercial treaties, or for admission to the privileges of any treaties Germany might conclude.

Germany did conclude in 1904 several important treaties of commerce<sup>99</sup> with continental countries, namely, Austria-Hungary, Belgium, Italy, Rumania, Russia, Serbia, and Switzerland, by means of which the products of those countries secured important tariff reductions upon importation into Germany. It then became very important to the United States to know what the effect of these treaties would be upon the standing of the United States under the Prussian treaty of 1828. By the "most-favored-nation" clause of this treaty<sup>100</sup> American wheat, corn and other dutiable merchandise had for three-quarters of a century been admitted to Germany at the lowest rates of duty which had been granted to

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<sup>96</sup> R. Gbl., 1902, p. 308 (transl. by author).

<sup>97</sup> R. Gbl., 1902, p. 303.

<sup>98</sup> U. S. Com. Rel., 1901, p. 262.

<sup>99</sup> F. R., '05, p. 456.

<sup>100</sup> F. R., '05, p. 457.



Russia, Austria, or any other nation. The commercial reciprocity arrangement of 1900 was also involved in the concluding of these new European treaties. This latter agreement was therefore formally terminated by Germany<sup>101</sup> the following year (1905). The notification of its termination was accompanied, however, with the proposal that negotiations be undertaken for the conclusion of a new treaty.

In reporting to the Reichstag the course of the negotiations for the new agreement,<sup>102</sup> the German Chancellor, Prince von Buelow, explained that the Imperial Government was well aware of the fact that the privileges secured from the United States by the agreement of 1900 in no way compensated Germany for the favors conceded to the United States but that it was not considered advisable at that time to demand further concessions from the United States, because of the provisory character of the agreement, as a method of tiding over the commercial relations between the two countries until the new German tariff should become operative at the close of 1903. He referred also to the new treaty between the United States and Cuba, concluded in 1902, which gave preferential treatment to Cuban sugar, and declared it incompatible with the provisions of the United States-Prussian treaty of 1828.<sup>103</sup>

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<sup>101</sup> F. R., '06, p. 640.

<sup>102</sup> V. R., Vol. 242, Anl. Nr. 391, p. 64.

<sup>103</sup> M., Vol. I, p. 355.

Article VIII of United States-Cuban Treaty reads:

"The rates of duty herein granted by the United States to the Republic of Cuba are and shall continue during the term of this convention preferential in respect to all like imports from other countries, and, in return for said preferential rates of duty granted to the Republic of Cuba by the United States, it is agreed that the concession herein granted on the part of the said Republic of Cuba to the products of the United States shall likewise be, and shall continue, during the term of this convention, preferential in respect to all like imports from other countries. Provided, That while this convention is in force, no sugar imported from the Republic of Cuba, and being the product of the soil or industry of the Republic of Cuba, shall be admitted into the United States at a reduction of duty greater than twenty per centum of the rates of duty thereon as provided by the tariff act of the United States approved July 24, 1897, and no sugar, the product of any other foreign country, shall be admitted by treaty or convention into the United States, while this convention is in force, at a lower rate of duty than that provided by the tariff act of the United States approved July 24, 1897."

As will be seen this was merely a reassertion of the former standpoint on the part of the German Government. The American-Cuban treaty was thoroughly reciprocal in nature, the preferential treatment of Cuban sugar being granted in return for preferential treatment by Cuba of a series of products of the United States. The treaty was therefore merely another example of the oft-expressed viewpoint of the United States that reciprocity treaties were in no way conflicting with most-favored-nation clauses, and were moreover expressly provided for in the "equivalence clauses" such as article IX of the Prussian treaty.

Having definitely agreed,<sup>104</sup> however, to a reciprocity basis for the commercial relations of the two countries, the German Government realized<sup>105</sup> that it would be necessary to enter into new negotiations—and probably further bargaining—in order to secure for German sugar the favorable terms granted to the Cuban sugar-growers. This did not seem advisable at the time so the matter was left until after the formal abrogation in 1905 of the 1900 agreement.

What was urgently needed was clear to representatives of both countries, namely, a comprehensive commercial treaty. The American Consul-General at Berlin had written in 1900, at the close of his report,<sup>106</sup>

"The time is ripe for a calm, deliberate, and scientific revision of the present obsolete and imperfect treaties between the Republic and the Empire—a broad, intelligent adaptation of their relations in all that pertains to reciprocal trade, naturalized citizenship, and other vexed and irritating questions, to the new and vastly enlarged positions which both countries have won since the present treaties were framed."

During the summer of 1905 the German Ambassador in Washington took up the matter informally with President Roosevelt. According to the account given by Chancellor von Buelow,<sup>107</sup> the President had declared himself "in principle agreed to the

<sup>104</sup> V. R., Vol. 242, Anl. p. 63.

<sup>105</sup> V. R., Vol. 242, Anl. Nr. 391, p. 64.

<sup>106</sup> U. S. Com. Rel., 1900, Vol. II, p. 268.

<sup>107</sup> V. R., Vol. 242, Nr. 391, p. 65 (transl. by author).

German proposition, and that he had in mind the sending of a commission of experts to Berlin for the introduction of the negotiations. Later, however, the President reached the decision that the conclusion of a tariff treaty, with the sentiment then prevailing in the Senate, was not obtainable and he then gave up the dispatching of a tariff commission."

The German Government nevertheless decided to put the question formally before the American Government,<sup>108</sup> and therefore presented in November of 1905 through its ambassador in Washington a note containing proposals for the conclusion of a comprehensive commercial treaty. The treaty proposals sought to gain some modification of the rates of the Dingley tariff, and also alterations in the customs collection procedure, in return for which certain of the privileges provided for in the new German treaties should be extended to the United States. The American Government made no formal reply to the German note but President Roosevelt and Secretary Root stated to the German ambassador that a reduction in the tariff would not be possible at the time. They proposed, however, that Germany, in return for concessions in the matter of customs procedure, should extend to the United States in advance the new German treaty tariff, so that through such a temporary regulation of commercial relations both governments would be given the opportunity for proceeding with negotiations for the commercial treaty. To this the German Government agreed. Accordingly, on March 1, 1906, Germany independently extended to the United States<sup>109</sup> (until further notice, but not for longer than until the 30th of June, 1907) those tariff concessions embodied in the treaties of 1904 and 1905 concluded with the seven states mentioned in the 1900 agreement. The United States also independently extended to Germany once more the tariff reductions on argols, wines, brandies, art works, etc., provided for in section 3 of the Dingley tariff. It also put in operation certain changes in the customs procedure which tended to

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<sup>108</sup> V. R., Vol. 242, Anl. Nr. 391, p. 65 (these proposals are not published in the United States Foreign Relations Series).

<sup>109</sup> R. Gbl., 1906, p. 355.

relax the regulations objected to by Germany. More radical alterations in the customs administration requiring congressional action were recommended to Congress but did not secure enactment.

Negotiations were continued and resulted in the sending of a tariff commission to Germany in November, 1906.<sup>110</sup> The American commissioners were not given treaty-making powers by their home government; therefore the conferences which took place could be only discussions not binding to either country—of the basis and details of such a commercial treaty as might be possible for the two countries to conclude. It was found that a comprehensive commercial treaty was not possible at that time. Only such American concessions could be obtained as could be granted by the President without action by Congress.<sup>111</sup> Therefore the

<sup>110</sup> V. R., Vol. 242, Anl. Nr. 391, p. 66.

<sup>111</sup> House Journal, 59th Cong., 2nd Sess., 1906–1907.

An indication that certain members of Congress feared that the Executive would overstep its authority in these negotiations with Germany is contained in a resolution introduced into the House by Mr. Randall, of Texas, March 2, 1907 (H. Res. 829).

“Whereas it is currently reported that negotiations have been entered into by the executive department of the United States, and under its direction, with the Government of the German Empire affecting commerce between Germany and the United States and the tariffs and regulations on and concerning the same, thereby changing the condition of trade between the countries and affecting the revenues of this Government received from the import duties without the action of Congress: Therefore be it

*Resolved*, That the President of the United States is hereby requested, if not incompatible with the public interest, to direct the Secretary of State to report to him for the information of the House

First: What agreement or agreements, if any, have been entered into between the authorities of the United States and the German Government, or their agents or representatives, affecting the tariff of the two countries in reference to imports, or the tariff on, or regulations thereof, which directly or indirectly affect the revenues or import duties of this Government.

Second: What propositions, if any, have been made by either party or its agents looking to any change in the tariff charges or trade regulations between Germany and the United States affecting either directly or indirectly the revenues of this Government or its trade relations with Germany.

Third: That all papers and documents, correspondence, or regulations on the matter herein inquired about, in the possession of the State Department be furnished for the information of the House.”

Mr. Watson made the point of order that the resolution was not privileged. The Speaker sustained the point of order. The resolution was referred to the Committee on Ways and Means, reported adversely and tabled.



representatives decided that an agreement might be formed on the basis of the provisional measures enacted by both countries in June of that year. The conference, therefore, resulted in an extension of that agreement. The German decree, when finally passed by the Reichstag and Bundesrath,<sup>112</sup> admitted the United States' products to the greater part of the reduced rates granted to the continental countries, without any statement as to date of termination of this agreement, which was to be valid "until further change." The United States responded immediately by a proclamation issued by President Roosevelt, which extended to Germany, "during the continuance in force of the said concessions by the Government of Germany" the reduced rates on the German products, as provided by the Dingley Tariff, and also certain favorable changes in customs administration, such as could be made without action by Congress. A formal agreement,<sup>113</sup> covering these reciprocal concessions was signed at Washington, April 22, 1907,<sup>114</sup> and at Levico, May 2, 1907. It was expressly stated in the introduction that the agreement was a temporary one for the purpose of adjusting the commercial relations between the two countries until a comprehensive commercial treaty could be agreed upon. The agreement was accompanied by a promise on the part of the President<sup>115</sup> that he would recommend to Congress the enactment of an amendment to the customs administration act which should alter certain of the customs collection regulations<sup>116</sup> complained of by Germany. The recommendation was made but did not secure passage.

The 1907 agreement expressed the relations between the two countries more definitely as those of pure reciprocity than any of the former agreements. The United States presented a list of articles on which it was willing to reduce its tariff rate in Germany's favor—it also made less exacting certain of the regulations in the procedure of customs collection. Germany in return extended to

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<sup>112</sup> F. R., '06, p. 645 ff.

<sup>113</sup> F. R., '07, p. 477.

<sup>114</sup> M., Vol. I, p. 564.

See also Sen. Doc., 1907-1908, Vol. VII, No. 185, 60th Cong., 1st Sess.

<sup>115</sup> V. R., Vol. 242, Anl. Nr. 403, p. 2309.

<sup>116</sup> M., Vol. I, p. 575.

the United States most of the tariff concessions provided for in her tariff treaties with European countries. Dr. Delbrueck, Prussian Minister of State, and *S cretary of the Interior*,<sup>117</sup> stated that Germany had withheld from the United States the tariff concessions on goods forming only  $3\frac{1}{2}$  per cent. of the total imports,<sup>118</sup> whereas the concessions made by the United States were of little value to Germany, except in the case of the modifications of the customs regulation, which were not to be underestimated.

The reciprocity agreement of 1907 was not long in operation. Within two years came the enactment of the Payne tariff (August 5, 1909), changing once more the basis of the commercial relations of the United States with other countries. The law of 1909 established a maximum and minimum tariff. The schedule as published constituted the minimum tariff—that same schedule plus a duty of 25 per cent. *ad valorem* constituted the maximum tariff. The maximum tariff was to go into effect for all countries (except Cuba) on March 31, 1910, unless other countries should prove themselves entitled to the minimum rates by evidence of no discrimination against the products of the United States. The minimum tariff was to be granted—<sup>119</sup>

“Whenever . . . the President shall be satisfied . . . that the government of any foreign country imposes no terms or restrictions, either in the way of tariff rates, or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such . . . foreign country of any . . . product of the United States, which unduly discriminates against the United States or the products thereof, and that such foreign country pays no export bounty or imposes no export duty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof, and that such foreign country accords to the . . . products of the United States treatment which is reciprocal and equivalent.”

<sup>117</sup> V. R., Vol. 259, 31 Sitz., 5. Feb., 1910, p. 1081.

<sup>118</sup> V. R., Vol. 273, Anl., '09-'11, Nr. 213.

<sup>119</sup> U. S. Stat., 61st Cong., 1st Sess., 1909, p. 82

In addition to the maximum tariff, especial provision was made to offset export bounties paid by producing countries, Section 6 provides:<sup>120</sup>

"That whenever any country . . . shall pay or bestow, directly or indirectly any bounty or grant upon the exportation of any article . . . and such article . . . is dutiable under the provisions of this act, then, upon the importation of any such article . . . into the United States . . . there shall be levied and paid . . . in addition to the duties otherwise imposed by this act, an additional duty equal to the net amount of such bounty or grant."

The reciprocity arrangements provided for in the Dingley tariff were thus repealed<sup>121</sup> and the President was given authority to terminate all agreements made under them. It became the immediate duty of the foreign ambassadors in Washington to bid for the admission of their countries to the minimum tariff. During November of 1909 Ambassador von Bernstorff conducted negotiations<sup>122</sup> with Secretary Knox concerning the new regulation of the commercial relations between the two countries. The law left open only the one alternative; therefore Germany's objective, so far as the law itself was concerned, could be only that of the admission of German products to the rates of the minimum tariff. Germany also sought, however, to have continued in force those alterations in the customs regulations secured by the past agreement, with the exception of the first of the provisions concerning the place of valuation of certain articles which was definitely established by the new law to be based on the market value in America. Germany also sought to have established separate provisions (*Einzelbestimmungen*) concerning the labelling of goods.<sup>123</sup> This was refused in theory though an approach to it in practice was declared probable.

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<sup>120</sup> U. S. Stat., 61st Cong., 1st Sess., 1909, p. 82.

<sup>121</sup> F. R., 1909, p. 270 ff.

<sup>122</sup> V. R., 1911, Vol. 273, Anl. Nr. 213, p. 1557 ff.

<sup>123</sup> V. R., 1911, Vol. 273, Anl. Nr. 213, p. 6 (of *Denkschrift*).

The American demands as finally formulated were<sup>124</sup>

“1. The granting of all the German treaty tariff reductions, or equivalent compensations through the granting of tariff reductions over and beyond the treaty tariff clauses up to date.

2. The admission of American pork according to the proceedings of the official trichina inspection in Germany, but without the accompaniment of the certificate (still required) demonstrating the completion of microscopic trichina inspection in the United States.

3. The admission of American cattle for immediate slaughter.”

Concerning the last two demands, Germany declared that they were sanitary measures determined by the health conditions in the separate countries. Similar regulations existed in all countries, not the least of these being the United States, by whose import prohibitions Germany especially was affected. Among other things the importation of live cattle from Germany was forbidden whereas that from other countries was admitted. The Imperial Government could not (therefore) treat concerning (auf—eingehen) the two above mentioned demands within the scope of tariff negotiations. But in order to give proof of her friendly intentions (Gesinnungen) toward America, the Imperial Government was ready in case the Union should bring up the dispensing of the trichina test for separate discussion, to work toward the disposal of this subject according to the sense of the American wishes.<sup>125</sup> Concerning the importation of American cattle, on the other hand, the Imperial Government could neither give any prospect of concessions, nor enter into any negotiations.

Dr. Delbrueck reported to the Reichstag the result of the negotiations, as follows:<sup>126</sup>

“The American Government declared that in case that the German treaty tariff should be extended unrestrictedly to the United States, that the cattle question was to be wholly eliminated from the negotiations; that the benefits of the American minimum

<sup>124</sup> V. R., 1911, Vol. 273, Anl. Nr. 213, p. 6 (of Denkschrift) transl. by author.

<sup>125</sup> V. R., Vol. 273, Anl. Nr. 213, p. 1557 ff.

<sup>126</sup> V. R., Vol. 273, Anl. Nr. 226, p. 1560 (transl by author.).



tariff were to be extended to Germany after the thirty-first of March, and that the customs regulation provisions of the 1907 commercial agreement (with the exception of the first, providing for the valuation of goods at their export price) were to remain in force; that this extension of the minimum tariff to Germany assured the latter the treatment accorded to the "most-favored-nation;" that the customs administration provisions of the United States would be applied to German goods in a friendly and conciliatory spirit."

In framing the Payne-Aldrich tariff on which the above agreement was based, the effect of the anti-trust agitation and the anti-protection movement was clearly felt.<sup>127</sup> The principle by which those preparing the schedule were guided was that of adjusting the duties merely to equal the differences between the cost of production at home and abroad, and give a reasonable profit to American industries. Sincere efforts were made on the part of the Committee of Ways and Means to obtain reliable information as to these productions costs. Detailed instructions were sent out<sup>128</sup> to the principal American consular officers throughout the world to return full reports concerning industries, labor conditions, cost of production, prices, exports to the United States and foreign tariffs. Since the petitioners for higher duties were at this time holding up the Germans rather than the English as rivals,<sup>129</sup> the reports concerning conditions in Germany became especially important. As the American Consul-General at Berlin reported that the information sought by the Ways and Means Committee could best be obtained through diplomatic channels, the matter was presented directly to the German Government through the American Ambassador at Berlin. The German Government responded favorably, and through the German Chambers of Commerce it obtained voluminous information which it sent to the United States<sup>130</sup> with the understanding that the names of the individual establishments furnishing the data, would not be dis-

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<sup>127</sup> Taussig, *Tariff Hist. of U. S.*, p. 370.

<sup>128</sup> Sen. Doc. 99, 61st Cong., 1st Sess. (German Manufactures.)

<sup>129</sup> Taussig, *Tariff Hist. of U. S.*, p. 370.

<sup>130</sup> Sen. Doc. 99, 61st Cong., 1st Sess., p. 2.

closed, and that the information would not be used for administrative purposes but purely as a basis for the proposed legislation.<sup>131</sup>

Feeling that fresh and reliable information as to production costs in Germany would defeat the efforts of those seeking to raise the tariff schedule in America, the German Government put forth special effort in the matter, furnished additional copies of the documents so that the needs of both the Committee on Ways and Means and of the Committee of Finance of the Senate were supplied. Due appreciation of the courtesy was expressed by the State Department but after the information was handed over to the Finance Committee of the Senate nothing further was heard of it<sup>132</sup>—it was neither printed nor published until August after the adjournment of Congress.

The final regulating of the relations consequent to the Payne tariff was formulated in a German law as follows:<sup>133</sup>

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<sup>131</sup> Sen. Doc. 99, 61st Cong., 1st Sess., p. 2.

In forwarding the information, Baron von Schoen, Imperial Secretary of State for Foreign Affairs, protested against what he alleged were the misstatements made in the hearings before the Committee on Ways and Means relative to the costs of production in Germany. He declared that

"In the comparative tables on wages in the United States of America and Germany data concerning the German conditions have in many cases been utilized which cover conditions of many years ago, and no longer have any significance for the present day. In calculating American wages the highest rates have been taken as a basis while in computing German wages the lowest rates have been taken; the increase in cost of German production by social burdens has been left out of consideration; the comparison of absolute earnings gives an inaccurate impression, because the work accomplished by American laborers is perceptibly greater than that of the German laborers, partly in itself and partly through the more comprehensive employment of machine work. If wages for piecework and for the manufacture of the separate articles are calculated the difference between the German and American wages is perceptibly less than would appear from the statements concerning wages on time. . . . A number of firms which complained of insufficient tariff protection before the Committee on Ways and Means underbid German manufacturers in the interior market of Germany, as well as in the American market. . . . In many cases inaccurate statements have been made concerning the extent and duration of female and child labor, in contradiction to regulations now in force in Germany."

<sup>132</sup> Taussig, *Tariff His.* of U. S., p. 371.

Professor Taussig considered that the information was too damaging to the arguments of the high protection advocates for them to seek to place it at the disposal of their opponents.

<sup>133</sup> V. R., Vol. 273, Anl. Nr. 213, p. 1557 (3 Feb., 1910).

"The Bundesrath is empowered, upon the importation of products of the United States of America into the German customs territory, to grant in suitable measure, the application of the tariff provisions conceded by the commercial treaties now in force (*geltend*).

This provision shall remain in force as long as the products of the German Empire and of the countries or divisions belonging to the same customs territory shall not be subjected to higher tariff duties than are provided for in article I of the American Tariff Law of August 5th, 1909 (*i. e.*, the minimum tariff).

If on the part of the United States of America, the principles of the customs procedure (as provided for under B to F of the note to the Commercial Agreement of 1907) should not be maintained, or should the United States of America through laws, treaties with third countries, or in any other way connected with the exchange of goods between the German Empire and the United States permit changes to affect the present situation to the detriment of Germany, then the Bundesrath shall, according to its judgment, withdraw entire or in part, the privileges granted to the products of the United States."

In the United States the agreement was embodied in a proclamation<sup>134</sup> declaring the rates of the minimum tariff to be in force for German products so long as the German Empire imposed no terms or restrictions which should unduly discriminate against the United States.

The relations between the two countries were thus adjusted once more on a definitely provisional basis. Any alteration of policy or any concession to a third nation on the part of either Germany or the United States, might be construed by the other country as a discrimination, sufficient to overthrow the entire agreement. Germany carefully preserved for herself the possibility, through decision of the Bundesrath, of withdrawing her concessions should any change in the situation be made which she considered detrimental to her interests. The United States armed itself with the weapon of the maximum tariff to be used, after ninety days' notice, against any nation considered to be discriminating unduly against United States' products or industries. The power to use this weapon was placed entirely in the hands of the President. Thus

<sup>134</sup> Stat. of U. S., 1909-1910, Pt. II, 61st Cong., 2nd Sess., Proclamation, p. 33.

each nation was equipped for a tariff war should it decide to enter upon such a contest. Neither the United States nor Germany sought such an outcome and both countries gave evidence of sincere desire to avoid it. President Taft emphasized his liberal policy in regard to the maximum and minimum clause in the tariff act in his message to Congress (December 7, 1909).<sup>135</sup> Speaking of the general possibilities of these provisions, he declared:

"Fear has been expressed that this power conferred and duty imposed on the Executive is likely to lead to a tariff war. I beg to express the hope and belief that no such result need be anticipated. The discretion granted to the Executive by the terms 'unduly discriminatory' is wide. In order that the maximum duty shall be charged against the imports from a country, it is necessary that he shall find on the part of that country not only discrimination in its laws, or the practice under them, against the trade of the United States, but that the discriminations found shall be undue; that is, without good and fair reason. I conceive that this power was reposed in the President with the hope that the maximum duties might never be applied in any case, but that the power to apply them would enable the President and the State Department through friendly negotiations to secure the elimination from the laws and the practice under them of any foreign country of that which is unduly discriminatory. No one is seeking a tariff war or a condition in which the spirit of retaliation shall be aroused."

President Taft demonstrated the sincerity of his words by issuing one hundred and thirty-four proclamations,<sup>136</sup> extending the rates of the minimum tariff to practically the whole commercial world. Germany in turn interpreted her law in liberal fashion,<sup>137</sup> and granted to the United States the benefit of her complete treaty tariff. She also, after securing the agreement to discuss the subject apart from the tariff negotiations,<sup>138</sup> acceded to the American demand in the matter of the requirements for the trichina inspection of American pork. In concluding his account of the negotiations with the United States, Dr. Delbrueck, Prussian Minister

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<sup>135</sup> F. R., 1909, p. xxvi.

<sup>136</sup> F. R., 1910, p. xvi.

<sup>137</sup> V. R., Vol. 259, 31 Sitz., 5 Feb, 1910, p. 1083.

<sup>138</sup> V. R., Vol. 273, Anl., 1909-1911, Nr. 213.



of State, speaking for the Imperial Chancellor, stated to the Reichstag,<sup>139</sup>

"I do not believe that we shall be obliged to make use of this power (*i. e.* of withdrawing the treaty tariff privileges from the United States); for I am inclined to the firm hope that, since we after stubborn, lengthy, and difficult negotiations, have come to an agreement, that the United States of American will carry out in the spirit of conciliation and liberal approach (*Entgegenkommen*) the concessions made to us, as accords with the excellent relations which obtain between the United States of America and the friendly related (*dem diesem befreundeten*) German Empire."

The Payne-Aldrich Tariff left no room for bargaining to determine whether the concessions offered by one nation were equivalent to those offered by the other. The United States extended to Germany the lowest rates of duty provided for in its legislation. Germany extended to the United States the lowest rates provided for in its commercial treaties. The Tariff Act of 1909 left a<sup>140</sup> "high scheme of rates" and showed an "extremely intolerant attitude on foreign trade" yet as a whole, it was "less aggressively 'protectionist' than previous Republican measures," and it was executed by the administration with the greatest moderation permitted under its provisions.

The following year the United States entered upon the negotiations for reciprocity with Canada, looking to sweeping reductions in import duties on the part of both countries to the extent, almost, of the development of a tariff union of English-speaking North America. Germany kept close watch over the proceedings, preparing, should the agreement be consummated, to make a vigorous protest against these concessions to Canada<sup>141</sup> on the ground that they were an infringement of the principle of the "most-favored-nation" which regulated the relations between the German Empire and the United States. The comprehensive character of the reductions proposed is shown in the summary of

<sup>139</sup> V. R., Vol. 273, Anl., 1909-1911, Nr. 213 (transl. by author).

<sup>140</sup> Taussig, *Tariff Hist. of U. S.*, p. 407.

<sup>141</sup> V. R., Vol. 283, 19 Sitz. 4 Maerz, 1912, p. 445 D.

the effect of the schedules as submitted to Congress.<sup>142</sup> Ninety per cent. of the total imports into the United States from Canada were to be affected by the agreement, 14 per cent. to have import duties reduced, and 76 per cent. to be admitted entirely free. On the Canadian side the proportion of reduction was not so great. Thirty-six per cent. of the total import into Canada from the United States was to be affected, 19 per cent. to have duties reduced, and 16 per cent. to be admitted free. That the terms to Canada were to be most liberal was emphasized by President Taft in his message to Congress, January 26, 1911, recommending the ratification of the agreement.<sup>143</sup>

"While equivalency should be sought in an arrangement of this character," he declared, "an exact balance of financial gain is neither imperative nor attainable. No yardstick can measure the benefits to the two peoples of this freer commercial intercourse and no agreement should be judged wholly by custom house statistics."

His desire to create a very special relationship with Canada is still more strongly emphasized later in the same speech, in which he declares,<sup>144</sup>

"Our common boundary line of three thousand miles in itself must make a radical distinction between our commercial treatment of Canada and of any other country."

Germany therefore considered that the agreement would constitute a differentiation against her products, and that she would be entitled under the status of "most-favored-nation" to claim her share in the concessions. It was not considered expedient, however, to make formal protest until the agreement should have been consummated by action of Congress and the Canadian Parliament. The Canadian reciprocity measure was again the Cuban situation reproduced on a large scale. Had it passed there would

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<sup>142</sup> House Doc., 62nd Cong., 1st Sess., Vol. IX, pp. 90 and 91.

<sup>143</sup> House Doc., 62nd Cong., 1st Sess., Vol. IX, p. 11.

<sup>144</sup> House Doc., 62nd Cong., 1st Sess., Vol. IX, pp. 90 and 91.

have been sweeping concessions exchanged. Under the United States' long-practiced construction of the principle definitely asserted in the Prussian treaty this constituted no violation of its most-favored-nation relations with other countries. Germany had, at the time of the agreement of 1900, definitely accepted this reciprocity basis; it was therefore a reversal of policy for her to claim a share in the privileges which the United States was preparing to extend to Canada, unless she were prepared to offer to the United States some equivalence. Since the measure was finally blocked by the Canadian Parliament, no action was taken by Germany at that time. Later, however, finding that the United States had put into operation a part of the agreement relating to wood-pulp and paper,<sup>145</sup> she made protest. The negotiations did not lead to any overturning of the *status quo*, or to the removal of the United States from the benefit of the German treaty tariff, but the result was seen in the two new commercial treaties formed by Germany at this time with Sweden and Japan, granting to these countries special commercial concessions. The new concessions were not extended on the "most-favored-nation" principle to the United States.

The commercial relations of the two countries at the close of 1910 were therefore admitted by both to be on the strict basis of reciprocity. In spite of tariffs the quantity of trade was enormous. Next to the United Kingdom, Germany constituted the best customer of the United States,<sup>146</sup> and, next to the United Kingdom, the United States constituted the best customer of Germany. The formal agreements were of a very temporary character. Dr. Delbrueck, Secretary of State for Internal Affairs, summed up the relationship before the Reichstag as follows:<sup>147</sup>

"I will refer here to the commercial-political relations in which we stand toward the United States of America. Between the two countries there exists no treaty. The commercial-political

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<sup>145</sup> V. R., Vol. 283, 19 Sitz., 4 Maerz, 1912, p. 445 D.

<sup>146</sup> U. S. Com. Rel., 1909, p. 91.

<sup>147</sup> V. R., Vol. 283, 19 Sitz., 4 Maerz, 1912, p. 445 D (transl.).

relations are regulated independently (autonom) by each side on the basis of diplomatic agreements; the regulation is not for long periods, but can be altered at short notice. The United States of America have on their part given us that which they at the time (*i. e.*, agreement of 1910) considered to be their "most-favored-nation" privilege, that is, their so-called minimum tariff; and we on our part gave to the United States our entire treaty tariff, which at that time meant our "most-favored-nation" privilege."

The need for a comprehensive commercial treaty had been acknowledged by representatives of both nations,<sup>148</sup> and attempts had been made to arrange such a treaty; but without success.<sup>149</sup> It seems to have been the opinion that the treaty involved tariff reductions, and this the prevailing protection sentiment of both countries made impossible. The tendency in each case was a firm maintenance of the existing protective legislation, coupled with a willingness to make such concessions as were possible outside the boundary of that legislation. The presidents of the United States frequently extended to Germany concessions both in tariff duties, and in customs administration, up to the point where action by Congress was required, and there all German demands were blocked.<sup>150</sup>

On the other hand the United States Congress was no more determined and unyielding in its protection policy than was the

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<sup>148</sup> U. S. Com. Rel., 1900, Vol. II, p. 268. Also, Senate Journal, 59th Cong., 2nd Sess., 1906-1907. Petitions and Memorials, December 13, 1906.

"A petition of the New York Branch of the National League of Commission Merchants praying the negotiation of a treaty between Germany and the United States looking to the establishment of better trade relations, etc.; referred to the Committee on Foreign Relations."

<sup>149</sup> V. R., Vol. 242, Anl. Nr. 391, p. 65 ff.

<sup>150</sup> V. R., Vol. 260, 58 Sitz., 15 Mai., 1910 (transl. by author).

Count von Kanitz (Conservative) gave before the Reichstag the situation from the viewpoint of the German Conservatives.

"First," he stated, "the Americans set up a tariff with unduly high rates, sharpen up their customs administration regulations, and then say afterward, 'Now, that is our law, that we can't alter, we can't depart from that.' That is an extraordinarily comfortable method of obtaining a favorable exchange of goods with other countries, and I should think it might be recommended that we make use of this procedure ourselves."



German Government in its corresponding measures. The demands of the Social Democrats for lowering of the tariff rates on food-stuffs were met with flat refusal. Chancellor von Bethmann-Hollweg announced to the Reichstag,<sup>151</sup>

"These attacks against our economic policy the Government will meet with determined opposition as heretofore. As I have repeatedly declared from this place, the stubborn and determined maintaining of our economic policy is matter of well-founded conviction on the part of the Confederated Governments."

Yet once outside the bounds of the German law, the Imperial Government like that of the United States, showed willingness to make concessions through diplomatic channels. Special commercial treaties had been concluded with the neighboring states for mutual economic advantage, yet the tariff reductions provided for in those treaties were (except in the agreement of 1907 when a part of the reductions was withheld) uniformly extended to the United States. This was done too, in the face of considerable protest from German Conservatives,<sup>152</sup> who were wont to give vehement expression in the Reichstag to their views on what they termed American tariff chicanery.

The prohibition of American products on sanitary ground was a constant subject of diplomatic negotiations. In this the German Government was especially unyielding, and while the American Government always acquiesced in Germany's right to exclude any products which were found to be injurious to the health of the community, it often protested on the ground that the fact of unwholesomeness did not exist, and was unjustly so determined by the German authorities. It took eight years to secure the removal of the prohibition against the importation of American pork, and, while Germany consistently waited<sup>153</sup> until the United States had enacted a strict meat inspection law before the prohibition was withdrawn, she then destroyed her argument, based on sanitary grounds, by making the removal of the prohibition

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<sup>151</sup> V. R., Vol. 268, 195 Sitz., October 25, 1911, p. 7511 (transl. by author).

<sup>152</sup> V. R., Vol. 260, 58 Sitz., 15 Maerz, 1910, p. 2132.

<sup>153</sup> F. R., '91, p. 511.

contingent upon certain reciprocal concessions on the part of the United States in the Saratoga Agreement. Later, in 1894, a prohibition was enacted against the importation of American cattle on the ground of the prevalence of Texas fever, and this restriction still existed in 1910. In answer to the Social-Democrats' clamor for the removal of such restrictions, the Chancellor von Bethmann-Hollweg reiterated that the exclusion of the cattle and the rigid meat inspection law complained of were sanitary measures that could not possibly be sacrificed for the sake of cheaper meat. He then proceeded to undermine the argument derived from health considerations by setting forth the advantages accruing to the cattle industry from the Imperial Government's policy.<sup>154</sup>

"Gentlemen," he continued, "you are always complaining of an undue protection of our cattle industry. Please consider at the same time, that German agriculture under this protection has succeeded in satisfying from within the country 95 per cent. of the entire meat needs. Moreover, in the last decade, the meat consumption in Germany has so increased that we scarcely lag behind that of England . . . This comparison does not encourage me to make experiments which would injure our cattle industry, and gradually bring us to a great dependency on foreign countries."

Such prohibitions were the chief ground of American protests to Germany in the commercial field. Such statements as the Chancellor's, as well as the terms of the Saratoga Agreement show that sanitary reasons were at least not the only grounds for restrictive measures. The chief grounds of German protests to the United States were the extra duties laid on sugar to offset German domestic bounties, and the special concessions made by the United States to Cuba and later to Canada, both of which Germany incorrectly considered contrary to the Treaty of 1828. What caused most hostility toward the United States, however, throughout Germany was not a grievance that could be handled by diplomacy. It was, namely, the growing preponderance of the American trade balance against Germany, the penetration of certain American industries

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<sup>154</sup> V. R., Vol. 268, 195 Sitz., October 23, 1911, p. 7514 (transl. by author).

into the German Empire, and the aggravating realization of the increasing economic dependence of Germany upon certain raw products of the United States. Dr. Stresemann, advocating a liberal policy before the Reichstag, pictures the helplessness of the situation.<sup>155</sup>

"That is the colossal strength of the United States, which they practice . . . against us. They say 'Now what can you really do? If you want to lay duties on our cotton, then do it, then you only make dearer the raw material which you need; and if you wish to lay duties on our copper and petroleum, then do it, then you have only to pay more for the articles of your household and of the electric industry.' In these facts we can at present alter nothing, they lie in the conditions of nature, and so also in economic affairs one is reminded of the Goethe saying:

"America, thou hast it better  
Than our continent, the ancient.' "

Apart from this natural economic situation it has thus been shown that the chief basis of controversy over the regulation of the commercial relations between the two countries lay in their contrasting interpretations of the "most-favored-nation" principle. The United States was correct in its stand that the Prussian treaty on which the relations were based, stipulated clearly in Article IX for a principle of reciprocity; it was also consistent in its application of that principle. Germany's standpoint that the two nations stood on a basis of unconditional most-favored-nation treatment therefore ignored the existence of the equivalence clause. It is true that the German Government for the most part during this period practiced that standpoint in favor of the United States as well as using it as a basis of claims for its own benefit. Nevertheless, the unconditional principle was not consonant with the treaty, was departed from at times, as in the Saratoga Agreement by Germany, and was, as we have seen, finally abandoned by the Imperial Government, which agreed to recognize the interpretation of the United States.

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<sup>155</sup> V. R., Vol. 264, 125 Sitz., February 11, 1911, p. 4579 D (transl. by author).

"Amerika, du hast es besser  
Als unser Kontinent, der Alte."

## CHAPTER V

### SAMOA: THE UNITED STATES AND GERMANY IN THE PACIFIC

THE single instance in the course of the relations between the United States and the German Empire in which citizens of one nation came into conflict with the citizens of the other on a common territory is that of the Samoan Islands.<sup>1</sup> Here no Monroe Doctrine operated to determine the policy of the United States. But the conflict between individual commercial interests, and between radically opposite government policies, together with the presence of an excitable and irresponsible native population, created a situation provoking controversy for over twenty years. It is also exceptional in the foreign policy of the United States as an instance in which the country departed from its traditions and united with other nations in a joint administration over a neutral territory outside the western hemisphere.

The Samoan Islands are situated in the southwest Pacific<sup>2</sup> directly on the route taken by steamers plying between the United States' Pacific ports and the British Australasian colonies. The island of Tutuila contains in Pago-Pago one of the most perfectly land-locked harbors in the Pacific Ocean, 1600 miles from Auckland, New Zealand, in the steamer lanes between Australia and San Francisco or Vancouver *via* Hawaii.<sup>3</sup> The three main islands, Savaii, Upolu and Tutuila, comprise together an area of a little over

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<sup>1</sup> The term Navigators' Islands has been frequently applied to this group, but the native name Samoa is now almost universally adopted.

<sup>2</sup> The Islands are located between latitude 13° 30' and 14° 30' south, and and between longitude 168° and 173° west. (Report of A. B. Steinberger, Special Commissioner to the Samoan Islands, 1873, House Ex. Doc., No. 161, 44th Cong., 1st Sess., No. 3.)

<sup>3</sup> Extract of Report upon the Condition of the Samoan Islands, by John B. Thurston, Acting High Commissioner of the Western Pacific, Inclosure in No. 96. Correspondence respecting the affairs of Samoa, 1885-1889, A. & P. LXXXVI (C-5629).



1000 square miles,<sup>4</sup> the first two being much the largest of the group but lacking good harbors. Apia and Saluafata, both on the Island of Upolu, are merely anchorages giving shelter from the easterly trade winds but open to the full force of the severe hurricanes to which the islands are subject. The latter physical factor was destined at one time to play an important diplomatic role. Commercially the most important product of the islands is copra,<sup>5</sup> the dried meat of the cocoanut, which is gathered by the natives, shipped in large quantities to Europe and the oil then extracted and used in the manufacture of the best grade of candles,<sup>6</sup> and the residue made into oil-cakes as food for cattle. The real commercial development of the island may be considered to have begun about the year 1857, when the powerful firm of Godeffroy, of Hamburg, established at Apia the headquarters for their large trade in the tropical products of the Pacific Ocean.<sup>7</sup> The successful enterprises of this firm on the hitherto unclaimed islands became the basis for the interest claims of the German Government throughout the history of the Samoan controversy. That controversy was, through its entire duration, a three-sided one, involving continuously the German Empire, Great Britain and the United States. The interests of the first two were commercial and strategic, of the third almost entirely strategic, for the protection of trade routes.

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<sup>4</sup> Ibid., Savaii, the largest island of the group, contains approximately 325,000 acres, a large part of which, however, is unfit for cultivation and the rest has fertile but stony soil. It contains no harbors. Parts of the island reach an altitude of 5000 feet. Upolu, containing approximately 170,000 acres, has a large area of fertile soil and has been most highly developed commercially. It contains the harbors, so-called, of Saluafata and Apia, the latter being the trade entrepot for the islands, the headquarters of native government and foreign representatives, and the scene of most of the political conflicts between the powers.

<sup>5</sup> Steinberger Report, p. 41. House Ex. Doc., No. 161, 44th Cong., 1st Sess., No. 3.

<sup>6</sup> A little cotton is also exported, and the islands, especially Upolu, abound in tropical foodstuffs, breadfruit, bananas, coffee, oranges, limes, sugar-cane, pine-apples, and other of the typical south sea island products. (Wakeman Report, included in Steinberger Report, pp. 7 ff.)

<sup>7</sup> Thurston report: A. & P. LXXXVI (C-5629) p. 63.

The diplomatic history of the Samoan question covers nearly thirty years, from about 1872 to 1899. It divides itself readily into three main periods, that of the conclusion of the treaties between the Samoan Government and each of the three powers about 1879; the period of the General Act of Berlin concluded by the three powers in 1889; and the period closing with the division of the islands between the German Empire and the United States in 1899.

The diplomacy connected with the islands may be considered to have begun in the year 1872, when Commander R. W. Meade, of the U. S. S. "Narragansett," anchored at Pago-Pago, on the island of Tutuila,<sup>8</sup> and on his own initiative concluded with the native chief of the bay an agreement<sup>9</sup> by which the exclusive

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<sup>8</sup> This action was taken under orders of Rear-Admiral John A. Winslow, Commander-in-Chief of the Pacific station, then at Honolulu. On January 21, 1872, Meade wrote to the Secretary of the Navy:

"As important American interests are at stake at Tutuila in the Navigators' Islands, (I) shall, in obedience to the Admiral's orders, proceed thither, survey the harbor of Pago-Pago, and locate a coal depot for the American steamers. I think some kind of treaty with the native chiefs will be necessary to frustrate foreign influence which is at present very active in this matter, seeking to secure the harbor."

(From Commanders' Letters, January-April, 1872, No. 51, as quoted by C. O. Paullin in "Diplomatic Negotiations of American Naval Officers, 1778-1883," p. 350.)

<sup>9</sup> House Ex. Doc. No. 161, 44th Cong., 1st Sess., p. 6.

"Agreement between Maunga, Great Chief of the Bay of Pagopago, of the Island of Tutuila, residing at Pagopago, and the Government of the United States of America, represented by Richard W. Meade, Esquire, Commander of the United States ship of war, Narragansett, now lying at anchor in the harbor of Pagopago, witnesseth: That I, Maunga, Great Chief of the Bay of Pagopago, of the Island of Tutuila, being desirous for the interest and welfare of myself, my successors, and people, to have the friendship and protection of the great Government of the United States of America, do, by virtue of the power vested in me, hereby freely and voluntarily grant to the United States of America, now represented by Richard W. Meade, Esquire, commanding the United States ship of war Narragansett, at present lying at anchor in the harbor of Pagopago, the exclusive privilege of establishing in the said harbor of Pagopago, Island of Tutuila, a naval station, for the use and convenience of the vessels of the United States Government. And I hereby further agree that I will not grant the like privilege to any other power or potentate.

Signed and sealed this 17th day of February, A. D., 1872 at Pagopago, Island of Tutuila.

OAU O MAGA.

RICHARD W. MEADE, Commander, United States Navy."

privilege of establishing a naval station in the harbor of Pago-Pago was granted to the United States. A letter registering indirect protest was sent to the Chief of Tutuila by the German Consul Weber, who claimed that certain of the land on Tutuila had already been sold to a German subject, that he would protect that claim and that he could not at present recognize the new port regulations of Pago-Pago (instituted by Meade). Meade's agreement having been made without authorization by the United States Government, was not valid, but President Grant considered that the advantages held forth in the concession were so great that the subject should be placed before the Senate for consideration. He wished, however, to avoid the obligations involved in a protectorate over the islands. He therefore suggested that the Senate devise some modification of the obligation of protection after which he could recommend the agreement for favorable consideration. His message and its accompanying documents were presented in Executive Session of the Senate and ordered to be printed in confidence for its use.<sup>10</sup> The Senate seems to have taken no action

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<sup>10</sup> House Ex. Doc. No. 161, 44th Cong., 1st Sess., p. 6.

"(Confidential.) Executive, I. Forty-second Congress, Second Session. Message from the President of the United States, transmitting an agreement between the great chief of the Island of Tutuila and Commander Richard W. Meade, of the United States Navy, conferring upon the Government of the United States the exclusive privilege of establishing a naval station in the dominions of that chief, for the equivalent of protecting those dominions.

May 22nd, 1872, Read: Agreement read the first time, and together with the message and accompanying documents, ordered to be printed in confidence for the use of the Senate.

To the Senate of the United States:

I transmit to the Senate for its consideration an agreement between the great chief of the island of Tutuila, one of the Samoan group in the South Pacific and Commander R. W. Meade, commanding the United States steamer Narragansett, bearing the date of February last. This instrument proposes to confer upon this Government the exclusive privilege of establishing a naval station in the dominions of that chief for the equivalent of protecting those dominions.

A copy of a letter of the 15th instant, and of its accompaniment, addressed by the Secretary of the Navy to the Secretary of State, descriptive of Tutuila and of other islands of the group, and of a letter in the nature of a protest from a person claiming to be consul of the North German Confederation in that quarter, are also herewith transmitted. No report has yet been received from Commander Meade on the subject. Although he was without special instructions or authority to enter into such an agreement, the advantages of the concessions which it proposes to make are so great, in view of the advantageous position of Tutuila, especially as a coaling station for steamers between San

on the agreement,<sup>11</sup> but in the following year, at the suggestion of certain "highly respectable commercial persons," the State Department despatched Colonel H. B. Steinberger as special commissioner to investigate the general conditions of the islands. He was informed in confidence of the agreement made by Commander Meade and its submission to the Senate, and was instructed to secure information as to the conditions offered by the islands, for such a naval station. His instructions emphasized the private informal character of his mission and the necessity of avoiding all discussion in regard to it.<sup>12</sup> He was also instructed to caution the natives against granting their lands away to foreigners.

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Francisco and Australia, that I should not hesitate to recommend its approval but for the protection on the part of the United States which it seems to imply. With some modification of the obligation of protection which the agreement imports, it is recommended to the favorable consideration of the Senate.

U. S. GRANT.

Washington, May 22nd, 1872."

<sup>11</sup> F. R., 1894, p. 505.

<sup>12</sup> House Ex. Doc. No. 161, 44th Cong., 1st Sess., p. 5.

No. 4. Mr. Fish to Mr. Steinberger.

DEPARTMENT OF STATE,  
WASHINGTON, March 29, 1873.

"The points to which you will especially direct your attention are:

1. The number of islands constituting the group and the extent of each.
2. The number of inhabitants, both aboriginal and from abroad.
3. The nature and quantity of the agricultural and other production.
4. The harbors suitable for vessels engaged in long voyages by sea.

On the 17th of February, 1872, Commander Richard W. Meade of the Navy concluded and signed with Oau O Maga, the great chief of the Bay of Pagopago, an agreement granting this Government the privilege of establishing a naval station in the harbor of Pagopago, Island of Tutuila. Though Commander Meade had no authority to enter into this agreement, the President thought proper to submit the instrument to the Senate. A copy of the confidential document containing it is herewith communicated in confidence for your information. It is not unlikely that perhaps in the not distant future the interests of the United States may require not only a naval station in the Samoan group, but a harbor where their steam and other vessels also may freely and securely frequent. Full and accurate information in regard to the islands will be necessary to enable the Government here to determine as to the measures which may be advisable toward obtaining that object.

In the course of your communications with the chiefs in the islands, you will caution them against making grants of their land to individual foreigners.

The European nations, who colonized this hemisphere, have usually regarded such grants from the aborigines as invalid, and in all probability the rule will be held to apply to the Samoan group. It is expected that you will be specially cautious to avoid conversation, official or otherwise, with any persons respecting the relations between this and any other country. You are to bear in mind that you are not a regular diplomatic agent, formally accredited



Colonel Steinberger spent several months in Samoa, made a thorough investigation of the islands and held conferences with the leading chiefs. His emphasis of the fact that the United States Government did not want their lands,<sup>13</sup> and his reiterated caution against selling their lands to individual foreigners, won the confidence of the Samoans, who accorded him signal honors. The native leaders were at that time engaged in forming a government for the islands, and the laws being then drawn up were presented to Steinberger, who consulted with the English and German consuls and returned the laws in modified form to the chiefs. The Samoan flag was then raised at Mulinuu and was officially recognized by the foreign consuls.<sup>14</sup> It was a source of gratification to Steinberger to have the German Consul join with the others in this action because, knowing his control of a great commercial monopoly in Samoa, Steinberger had doubted his willingness to recognize the native government and its laws. Steinberger afterward claimed to be mainly instrumental in creating that government.<sup>15</sup> The impression made by Steinberger on the leaders of the islands was so favorable that they sent through him an appeal to the "Principal Chief of the American Government"<sup>16</sup> to annex Samoa to the United States. It was their full belief that he had been sent for this purpose. Their appeal was seconded by letters from a number of the foreign residents of Samoa, and Steinberger, himself in favor of extending protection to the islands, promised to convey their petitions to the President. It was evidently the conviction of at least one of the chiefs, Malietoa, that the union had already taken place.<sup>17</sup>

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to another government, but an informal one, of a special and confidential character, appointed for the sole purpose of obtaining full and accurate information in regard to the Navigators' Islands. Even regular diplomatic agents are required to be reticent in regard to the affairs of their own government and are by law, forbidden to correspond in regard to the public affairs of any foreign government with any private person, with any newspaper or other periodical, or otherwise than with the proper officers of the United States. This interdiction will be particularly observed by you."

<sup>13</sup> Steinberger Report. Inclosure A 2, p. 54

<sup>14</sup> Ibid., p. 49.

<sup>15</sup> House Ex. Doc. No. 161, 44th Cong., 1st Sess., No. 12, p. 71

<sup>16</sup> Steinberger Report. Inclosure D 1, p. 56

<sup>17</sup> Ibid., Inclosure E.

Steinberger's report was praised by the Secretary of State, Fish, as being "replete with novel and valuable information," showing the commissioner to have been a "diligent and judicious observer."<sup>18</sup> Steinberger set forth his personal interest in the Samoan people, asserting that it would mean much for their welfare to have extended to them the American protection which they sought. If the Government did not deem it advisable at this moment to establish a protectorate over the islands, it should at least send a minister or commissioner with power to treat with their new government as that of an independent people.<sup>19</sup> He himself wished to be that commissioner, owing to his personal interest in the Samoans, and the fact that they had petitioned the President for his return. He also wrote a letter of guidance and counsel to the Samoans, assuring them that the Government of the United States had received their gifts (considered by them to be symbols of their country itself), and was then considering their petition.<sup>20</sup> This letter he requested Mr. Fish to have endorsed by the State Department, but the Secretary of State declined on the ground that such an act would be "contrary to the usual practice of the Department."<sup>21</sup> The petitions for annexation, it was felt, could not be granted at this time. The Government was sensible of the value of Samoa strategically and commercially, but public sentiment in the United States was strongly opposed to annexing further territory, especially at so great a distance and inhabited by a different race as contrary to American tradition. Nevertheless, it was considered important to retain the good-will of the Samoans, and Steinberger was authorized to return to the islands, bearing to the chiefs gifts and the assurances of the interest which the United States held in the happiness and welfare of the islands.<sup>22</sup>

<sup>18</sup> House Ex. Doc. No. 161, 44th Cong., 1st Sess., No. 10, p. 69.

<sup>19</sup> *Ibid.*, No. 12, p. 71

<sup>20</sup> *Ibid.*, No. 14, Inclosure 2, p. 73.

<sup>21</sup> *Ibid.*, No. 15, p. 74.

<sup>22</sup> *Ibid.*, No. 17, p. 76.

Mr. Fish to Mr. Steinberger.

DEPARTMENT OF STATE,  
WASHINGTON, December 11, 1874.

"SIR:

The President having determined to authorize you again to proceed to the Samoan group in the character of a special agent of the United States,

Mr. Steinberger's interest in the natives of Samoa led him to enter into relations with them which involved the United States

you will embark for those islands at San Francisco in a man of war, on board of which the Secretary of the Navy has been requested to direct you to be provided with a passage. The expense attending this and of your mission generally must be borne by yourself, and will in no event be recognized as a proper charge against the Government. Pursuant to the suggestion contained in your letter from Baltimore of the nineteenth of November last, the President has addressed the accompanying sealed communication to the Taimua or Pule of Samoa, a copy of which is also furnished for your information. You will make proper arrangements for presenting the original.

The special passport with which you are also herewith provided describes your official character.

I annex here a list of articles which have been furnished by several of the Departments, which will be entrusted to you as presents as suggested by you.

There is no doubt from your report and from the information received from other sources, that the Samoan group is naturally fertile and has many resources. Its position, too, in the Pacific is commanding, and particularly important to us. It is more than doubtful, however, whether these considerations would be sufficient to satisfy our people that the annexation of those islands to the United States is essential to our safety and prosperity. In any event, supposing that the general sentiment should be favorable to such a measure, I am not aware that it has received such an expression as would require an acknowledgement by the Government, and warrant measures on our part accordingly. It is deemed inexpedient without such a call from the public to originate such a measure adverse to the usual traditions of the Government, and which therefore, probably would not receive such a sanction as would be likely to secure its success. Under these circumstances, your functions will be limited to observing and reporting upon Samoan affairs, and to impressing those in authority there with the lively interest which we take in their happiness and welfare.

HAMILTON FISH."

(INCLOSURE)

Ulysses S. Grant, President of the United States of America, to their Highnesses, the Taimua and Pule, or Principal Chiefs of Samoa.

"GREAT AND GOOD FRIENDS:

I have received through Col. A. B. Steinberger, whom I sent to your islands as a special agent of the United States, the interesting letter of the third of October, 1873, which you were pleased to address to me. I am gratified to learn from that communication that peace prevailed in your country. This is among the greatest blessings vouchsafed to nations, and I hope that your enjoyment of it may be without interruption. You also inform me that the Samoan Government had adopted a flag. This is an interesting event in your history. My prayer is that, as it is an emblem of your unity and independence, these may ever remain inviolable except by the consent of your people.

Your course generally, as reported to me by Colonel Steinberger, deserves my cordial approval and encouragement, which I offer you. I trust that you will persevere in well-doing. Although the chief city of the United States, whence I am writing to you, is far away from your islands, being near the coast of the Atlantic Ocean, our territory extends to the shores of the other ocean in which your islands lie, at not a much greater distance from San Francisco than is the city of Washington, which is our capital. Being then, as you are, much nearer to us than to any European nation, on this

to a degree not intended by the Government. Reports began to be circulated that the Samoans considered that he had promised them the protection of the United States. He was also said to have assumed the right to levy tonnage dues and to have given a native chief the right to examine ship registers—without consulting any foreign consul on the subject.<sup>23</sup> These accusations Steinberger denied and furnished evidence refuting them.<sup>24</sup> Nevertheless, he wrote that he had accepted the position of premier of the kingdom, that he had the entire confidence of the native population and asked for the passage of a bill by Congress authorizing him, as an American citizen, to hold office under a foreign government.<sup>25</sup> He was throughout his stay in Samoa in open conflict with the American Consul Mr. S. S. Foster, who finally addressed a note<sup>26</sup> to the Government, at the request of certain British residents, inquiring as to Steinberger's status, whether he had been authorized to form a government in the islands and whether the United States Government sustained him in his acts. Shortly after this Steinberger tendered his resignation. The Department of State notified the American Consul that Colonel Steinberger's visits had no diplomatic or political significance whatever, that he had not been authorized by the United States to form a government in Samoa or to pledge the United States to sustain any government he might be instrumental in forming.<sup>27</sup>

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account alone it would be natural, were there no other reasons, that we should take a lively interest in your welfare and in all that concerns you.

The 'staff,' the 'fly-flap,' and the 'sacred mat' which you entrusted to Colonel Steinberger, were safely delivered by him, and were duly received by me in the spirit with which they were offered. You may be assured that I am duly sensible of the significance of these gifts.

Colonel Steinberger's course during his first mission has so far met my approval and he seems to have made himself so acceptable to you that I have authorized him again to visit you, for the purpose of informing me of the progress of your affairs since he left you. I pray you therefore to receive him kindly, and to continue to him the good-will which you showed on the former occasion. I pray God to have you in His safe and holy keeping. Written at Washington, this 11th day of December, 1874.

ULYSSES S. GRANT."

<sup>23</sup> House Ex. Doc. No. 161, 44th Cong., 1st Sess., No. 21, p. 78.

<sup>24</sup> *Ibid.*, No. 22, p. 80.

<sup>25</sup> *Ibid.*, No. 26, p. 124.

<sup>26</sup> *Ibid.*, No. 23, p. 81.

<sup>27</sup> *Ibid.*, No. 27, p. 125.



It is quite evident from the reports submitted by Steinberger that the annexation of the islands by the United States would have been acceptable to the natives at this time. The increase of the German and British commercial interests, the exploitation of Samoan lands and labor at the hands of German and British monopolist companies had led the Samoans to look for the protection of some strong power, and the United States, with its small trade in the islands, seemed to them at once innocuous and yet strong enough to afford protection. It was also quite evident that in spite of an executive and a navy department in favor of annexation, the public opinion of the United States would refuse to tolerate the idea. When rumors began to be circulated concerning Steinberger's activities in Samoa, Congress at once took notice and the House of Representatives passed a resolution<sup>28</sup> instructing the Committee on Foreign Affairs to inquire into the extent and character of the power conferred on Steinberger by the Government. It was in execution of this inquiry that the reports and correspondence concerning the Steinberger missions were published, which showed that Steinberger himself was no longer in the service and which demonstrated to Congress that the State Department had effectively disavowed any of his acts which pledged the United States to the support of any government he might assist in forming in Samoa.

The Steinberger regime in Samoa had the result of antagonizing the natives against other foreign residents, creating hostility against himself as a usurper of power and opponent of the interests of the white residents, and there also arose an opposition party among the native Samoans. The Taimua party based its claims on the Constitution established by Steinberger; the Puletua refused to recognize that Constitution as having any binding power over them.<sup>29</sup> The dissension between the native factions was considered by the Germans to endanger the persons and property of their subjects on the islands and attempts were made by them to reconcile the two factions. The failure of these efforts they

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<sup>28</sup> House Ex. Doc. No. 161, 44th Cong., 1st Sess., No. 21, p. 1.

<sup>29</sup> V. R., 1879, Vol. VI, Anl. Nr. 239, p. 53.

assigned to the fact that the Taimua party, in spite of the resignation of Steinberger and the disavowal of his political activities by the United States, still believed that the United States would give them material support. Such a belief is explainable by the fact that the presents taken back to the Samoans by Steinberger from the United States Government consisted of a small supply of arms and ammunition and a few small cannon.<sup>30</sup> The Imperial German Government, therefore, instructed its consul at Apia to invite the opposing parties to come to an arrangement and to request the American and British consuls to lend their assistance in the reconstruction. It was distinctly stated in this request<sup>31</sup> that the German Government did not intend to interfere with the independence of Samoa, but that it wished only to see the establishment of a stable government as necessary to the large German interests at stake in the islands. The British acting consul agreed to coöperate in this cause, which he deemed also to the interest of British subjects.<sup>32</sup> Mr. Griffin, the United States Consul, however, refused on the ground that he had no authority from his government to unite with his colleagues or any other persons for the purpose indicated, that he would, nevertheless, make known to the President the wishes of the German Consul and await instructions.<sup>33</sup> This refusal, though in accord with the long-standing American policy against joint action, the Germans declared strengthened the confidence of the Taimua party and made the settlement of hostilities more difficult. Griffin's general attitude in Samoa, however, and especially his leanings toward annexation, were found to be purely personal and not expressive of the policy of the United States Government.<sup>34</sup> The Taimua party now turned for support to both the United States and England, sending almost simultaneously to the President and to the Queen petitions to extend to the islands the protection of their governments.<sup>35</sup> The German Government became alarmed and instituted proceedings

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<sup>30</sup> House Ex. Doc. No. 161, 44th Cong., 1st Sess., No. 17, p. 76.

<sup>31</sup> V. R., 1879, Vol. VI, Anl. Nr. 239, p. 37.

<sup>33</sup> *Ibid.*, p. 44.

<sup>35</sup> *Ibid.*, Denkschrift, p. xv.

<sup>32</sup> *Ibid.*, p. 43.

<sup>34</sup> *Ibid.*, p. 51.

in Washington and London and also in Samoa itself looking to the maintenance of equal treatment of German interests in the islands. In Samoa it concluded with each of the warring factions, the Taimua and the Puletua, agreements providing against injury to German possessions in case of the outbreak of hostilities and promising on the part of the leading chiefs not to give to any other government privileges not extended also to that of Germany.<sup>36</sup> To make this more emphatic a letter was framed by the Imperial German Consul, Theodore Weber, and Captain Hassenpflug, of S. M. S. "Augusta," confirming in detail the German rights in Samoa and guaranteeing them against any possible infringement.<sup>37</sup> The letter ignored any sovereign rights of the natives and

<sup>36</sup> V. R., 1879, Vol. VI, Anl. Nr. 239, pp. 67 and 68.

4. "Wir werden in keiner Weise die deutsche Regierung zuruecksetzen oder irgend einer anderen fremden Regierung Vorrechte vor der deutschen gewahren."

Wir beharren gaenzlich bei allem, was wir den deutschen Vertretern in jener Beziehung geschrieben haben, in Uebereinstimmung mit den uns in ihrem (den deutschen Vertretern) Briefe an uns vom 24 Mai angezeigten Punkten."

The above article was included in both agreements which were signed on July 3rd and 5th respectively (1877) for the Taimua by twenty-eight chiefs and for the Puletua by Malietoa.

<sup>37</sup> A. & P., 1889 (C-5629), No. 96. Thurston Report. Inclosure 2, p. 76.

Captain Hassenpflug and Mr. Weber to the Taimua and Faipule of Samoa (Translation by source.)

APIA, May 24th, 1878 (? 1877).

"CHIEFTAINS:

We have received your various written and verbal declarations that you intend to grant no privileges whatever in these islands to any foreign nation in preference to ours but that you mean to put all foreign governments on the same footing and in nowise slight the German Government; moreover, that you will give no foreigner a privileged position in a Government of these islands.

We have received the same promises, namely, to put the foreign nations represented here in Samoa on an equal footing, from the Chieftains of the Puletua.

Furthermore, on the occasion of our conference with you on the 15th of this month, we told you why the Germans and their interests in Samoa must not be regarded as on sufferance, but as possessing rights, and that a one-sided political arrangement of affairs in Samoa without seeking counsel of the German Government was therefore untenable.

We now inform you that we shall hold you to the promises given to us, and that we shall insist upon our rights.

For these reasons we now protest hereby in the most decisive and solemn manner, against any steps whatever whereby one or more foreign governments,

dictated that they should make no one-sided political arrangement with another power without seeking counsel of the German Government. Agreement to the terms stated in the letter was embodied in the general agreement with the chiefs.

In both London<sup>38</sup> and Washington the German representatives secured expression of the denial of any policy of annexation and the promise that the consuls of each nation in Samoa should be instructed to coöperate with the German representatives in their efforts to establish peace and order in the islands. In the United States the annexation proposition was presented both by Consul Griffin who returned to the United States in the summer of 1877 and by a special native commissioner Le Mamea, sent over for the purpose by the Taimua party of Samoa. Both were unsuccessful.

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excluding the German Government, may be called to the Protectorate of these islands, or whereby an annexation of these islands may be brought about, as well as against any other such steps whatever whereby German interests might in any way whatever be injured or prejudiced, whether by arrangement of Samoa political relations without asking advice of the Consular and Maritime Representatives of Germany, or by granting a privileged position to the Representatives of other governments or to other foreigners, or in any other way whatever.

We protest against all such steps in virtue of our instructions from the Imperial Government for so long as until the said Government intimates its concurrence in such steps.

The Consular and Maritime Representatives of the  
Imperial German Government in Samoa,  
HASSENPFUG, Captain of Corvette, Commander of  
H.M.S. "Augusta."  
TH. WEBER, Imperial German Consul.

<sup>38</sup> V. R., 1879, Vol. VI, Anl. Nr. 239, p. 69. Lord Derby assured the German Ambassador that if the English representative of his own accord carried on annexation policy in Samoa, or gave the impression of so doing, that such action did not conform to the instructions sent him from London. . . . This probably referred to the action of Mr. Liardet, British consul in Samoa who, following a collision between the Taimua and some of the sailors of H.M.S. "Barracouta" proceeded to levy heavy damage claims and who asserted that as surety for those claims he held the islands in the name of Her Majesty (p. 73 also p. 76). Lord Derby promised that the British consul would be instructed to act in concert with his German colleague and assist him as far as possible in his undertaking. In Washington von Thielmann received assurance that Secretary Evarts had already sent similar instructions to the American consul, Mr. Griffin, namely, that in case of intervention to establish order in Samoa he should lend his assistance to the German and British representatives (Ibid., p. 57).



Secretary of State Evarts assured Baron von Thielmann<sup>39</sup> that the United States policy in regard to Samoa was one of a strict non-interference with the domestic politics of the Islands, desiring only that peace and order be restored by the establishment of a stable, independent native government. In reference to the mission of Le Mamea, Assistant Secretary Seward informed the German Ambassador von Schloezer that the United States was considering concluding a commercial treaty with Samoa but that the proposal to take over the islands as a protectorate could under no circumstances be accepted—the United States wanted trade but not dominion,<sup>40</sup> and that if there were people in Apia who believed

<sup>39</sup> Ibid., No. 9, Anl. I, p. 53. To Baron von Thielmann, His Imperial German Majesty's Charge d'Affaires:

DEPARTMENT OF STATE, WASHINGTON,  
15 June, 1877.

"In reply to your note I have the honor to inform you that your assumption that the Government of the United States is as desirous as your own to promote commerce in the South Sea Islands, is correct. The comparatively short distance from our shores to the most productive of those islands, would justify our Government in taking an even deeper interest in their development than any European Government, and that interest is felt. You are also correct in your belief that expectation of receiving aid from the United States, which you allege is entertained by one party of the Islands, is without foundation.

The course which has been pursued by the United States in its dealings with these islands has been to constantly and consistently advise their consuls to pursue a policy of absolute non-interference with the domestic politics and government of the Samoan Islands. The United States—the same as Germany and Great Britain—do not desire the triumph of any particular party, but the restoration of peace and order; and this Government further desires that peace and order be restored by the establishment of a firm, stable, independent native government that will command the respect and support of natives and foreigners. There is nothing in any of the instructions of the Department to our Consuls at Apia to warrant any one party on the Islands more than another, to believe that the Government was favorable to their cause; and the Department would regret to have such an impression prevail.

It is hoped that the course pursued by this Government, which is in accordance with its long-established policy of strict non-interference with the political affairs of other nations and peoples, will convince the Imperial Government that so far as it could consistently do so, the United States had anticipated the desires of that Government in reference to affairs in the Samoan Islands.

WM. M. EVARTS."

<sup>40</sup> V. R., 1879, Vol. VI, Anl. Nr. 239, p. 77

No. 19. Der Kaiserliche Gesandte an das Auswaertige Amt.

WASHINGTON, den 3. Januar, 1878.

"Aus Eurer Excellenz hohen Erlassen vom 15. November und 7. Dezember

that the United States would ever take the islands under its jurisdiction, or even under its protection, those people were mistaken. Mr. Seward gives in his "Reminiscences" an interesting account<sup>41</sup> of the mission of Le Mamea and the reception of his proposal by the United States. Although the President, Secretary Evarts and the Navy Department were in favor of accepting the proposal, they realized that the sentiment of Congress and of the people at large would oppose it vigorously. The Alaska purchase was still the object of criticism and ridicule, the Panama canal had been allowed to fall into the hands of France, and the proposals to acquire Santo Domingo and the Danish West Indies had been decisively rejected. As Seward himself expressed it, "It seemed to be considered a mark of patriotism to oppose any addition to our own country." The Samoan ambassador was gravely disappointed, but finally agreed to let Seward draw up the treaty as he thought best, asking in return for Pago-Pago, the best harbor in Samoa, only the assurances of the peace and friendship of the United States. This Seward agreed to do, as it seemed to him that

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v. J. betreffend die Samoa-Inseln, habe ich dem Unterstaatssekretär Seward die geeigneten Mittheilungen gemacht.

Inzwischen ist hier Le Mamea, der Abgesandte der Samoa Taimua, eingetroffen und hat durch seine schoene imposante Erscheinung und durch sein dezentos Auftreten einen vorteilhaften Eindruck im Staatsdepartment gemacht. Zu der Neujahrskour im "Weissen Hause" war Le Mamea mit dem diplomatischen Korps eingeladen.

Heute sagte mir Herr Seward Folgendes:

'Le Mamea wuenscht mit uns einen Freundschafts- und Handelsvertrag abzuschliessen, und wir sind jetzt nicht mehr abgeneigt auf diesen Vorschlag einzugehen da ein solcher Vertrag unserem Handel nur nuetzen nicht schaden kann.

Die Taimua wuenscht aber auch, dass wir das Protektorat ueber die Samoa Inseln uebernehmen sollen, und auf diesen Antrag werden wir uns keinesfalls einlassen.

Die Vereinigten Staaten befinden sich jenen Inseln gegenueber in einer ganz gleichen Lage wie Deutschland. Wir wollen ebensowenig wie die deutsche Regierung dort ein Protektorat ausueben, wir wollen keine Kolonien haben, wir wuenschen nur Handel zu treiben; we want only trade no dominion. Wenn es Leute in Apia giebt die glauben, dass wir jemals die Inseln unter unsere Botmaessigkeit oder auch nur unter unseren Schutz nehmen wuerden, so irren sie sich. Der Sinn des Amerikas geht nicht auf solche Erwerbungen.'

(gez.)

SCHLOEZER."

<sup>41</sup> Seward, Frederick W., "Reminiscences of a War-Time Statesman and Diplomat, 1830-1915," p. 437 ff. (See Appendix.)

he might persuade the Senate to accept a harbor provided the country did not have to pay anything for it nor to promise to protect it. After several revisions the treaty was finally concluded January 16, 1878.<sup>42</sup> Provision was made in the treaty for the United States to establish a naval station in the harbor of Pago-Pago. Article VI placed the United States on "the most-favored-nation" basis in relation to Samoa. The only article which in any way recognized or embodied the desire of the Samoans for the protection of the United States was Article V, which read:

"If, unhappily, any differences should have arisen or shall hereafter arise, between the Samoan Government and any other government in amity with the United States, the government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foundation."

This article was apparently included in the treaty as a matter of courtesy and evidence of the friendly attitude of the United States in return for the favors granted by the Samoans. It was not looked upon as a serious obligation entered into by the United States; nor was much public interest shown in the treaty as a whole. Secretary of State Gresham, writing in 1894<sup>43</sup> of the Samoan Treaty says:

"The impression produced by a discriminating examination of them (*i. e.*, Articles II and V) is that they were inspired rather by an amiable desire on the part of our Government, not to appear to be wholly insensible to the friendly advances of the Samoans than by any supposition that the character of our relations to Samoa greatly concerned us. Indeed it is quite clear that in the five years that had elapsed since Steinberger was first sent out to gather information in regard to the islands, the Government and people of the United States had made such small progress toward a conception of the importance of the group that, if the Samoans had not been incited by our local representatives to send an ambassador to Washington to obtain a treaty, none would have been made."

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<sup>42</sup> U. S. Statutes at Large, 45th Cong., 1877-1879, Vol. XX, p. 204. (See Appendix.)

<sup>43</sup> F. R., 1894, Appendix I, p. 506.

The attitude of Germany toward the islands was not similarly indifferent. Protection of German commercial interests in the great archipelago of the south seas had admittedly become the subject of increased solicitude on the part of the Imperial Government.<sup>44</sup> In view of the development of German trade with the islands of the South-Pacific—a trade which was acknowledged at various times by both British and American authorities to be greater than that of any other nation<sup>45</sup>—the German Government considered it a duty not to leave the German enterprises in the Pacific entirely to their fate and had entered upon the practice of maintaining one or more German war-vessels continuously in that region.<sup>46</sup> Therefore, when news reached the islands that a treaty had been formed between Samoa and the United States granting to the latter special privileges in the harbor of Pago-Pago, the German representatives considered that the moment had come<sup>47</sup> for them to lay claim to the promises accorded to them in their agreement made in 1877 with the assembled chiefs of Samoa,<sup>48</sup> and to demand equal or compensating privileges through a commercial treaty. Their claim met with a policy of delay amounting to virtual refusal on the part of the Taimua and Faipule, constituting the principal native government of Samoa, as the chiefs were anxiously waiting for the return of their ambassador Le Mamea from the United States to see to what extent he had pledged their country to America before they should conclude any further agreement with Germany. The German Consul Weber finally considered that the agreement was being refused recognition by the Samoans and ordered the seizure of the ports of Saluafata<sup>49</sup> and Falealii to be held as security until the Samoans should decide to abide by their agreement of 1877 and grant to Germany equivalent privileges to those extended to the United States. Notice was

<sup>44</sup> V. R., 1879, Anl. Vol. VI, Nr. 239. Denkschrift, p. xiii.

<sup>45</sup> House Ex. Doc. No. 161, 44th Cong., 1st Sess., p. 85; also Thurston Report, A. & P., 1889 (C-5629), p. 72 (especially p. 168).

<sup>46</sup> V. R., 1879, Anl. Vol. VI, Nr. 239. Denkschrift, p. xiii.

<sup>47</sup> V. R., 1879, Anl. Vol. VI, Nr. 239. Denkschrift, p. xvii.

<sup>48</sup> Ibid., p. 67 (see Appendix).

<sup>49</sup> Ibid., pp. 121 and 122; also pp. 137 and 138.



sent to both the American and British Consuls of the reason for the action and declaration was made that there would be no interference with private property and foreign interests and that for the sake of avoiding such interference the harbor of Apia had not been included in these measures.

Preceding this event there had been considerable friction between the foreign consuls on the islands, especially between the American and German representatives. At the request of the British consul, Sir Arthur Gordon, the German consul, Mr. Weber, had agreed to unite with him in seeking to conclude with the Samoan Government, a convention<sup>50</sup> which should obtain from the Taimua certain concessions with regard to the local government of the town of Apia. The concessions planned by the convention were considered by the British consul to be in the interest of all the foreign residents in the islands. On being requested to join in this action, the American consul, Mr. Griffin, had refused, stating that he had been instructed by his Government "not to take part with the representatives of other nations nor to interfere in any way with the governmental affairs of Samoa."<sup>51</sup> This seems somewhat at variance with the instructions which Secretary Evarts declared to the German representative at Washington he had given to Griffin on his return to Samoa,<sup>52</sup> namely, that he should assist his colleagues in any undertakings making for the establishment of peace and order in the islands. It is quite possible, however, that the American consul did not consider the convention as an undertaking making for peace and order. In his assertion, of the policy of non-interference with the native Samoan Government, he was correctly carrying out the United States' oft-expressed policy. The British consul having met with delay and refusal in the projected convention with the Samoan Government, presented it once more modified in certain respects to the Taimua with the threat that within twenty-four hours force would be used to exact such guarantees as might be considered necessary.<sup>53</sup> Thereupon the Samoan Government appealed to the United States

<sup>50</sup> Ibid., p. 89.

<sup>52</sup> Ibid., p. 57, also p. 113.

<sup>51</sup> Ibid., p. 92.

<sup>53</sup> Ibid., p. 110.

Consul and Mr. Griffin hoisted the American flag at Mulinu'u over that of the Samoan Government. Upon the German consul's request for an explanation, he stated<sup>54</sup> that he had taken that action to protect the Governments both of the United States and of Samoa from further indignities at the hands of the British representatives; that Sir Arthur Gordon's attempt to force upon the people of Samoa a treaty obnoxious to them was sufficient justification for his act. He added that, while he had been instructed not to interfere in the governmental affairs of Samoa, he had not been instructed to refuse to take the islands under the protection of the United States under such conditions as now prevailed, and that the American flag was raised at the unanimous request of the Taimua and Faipule (upper and lower houses of the native Samoan Government). This action, though technically contradictory to the consul's instructions and disavowed by the American Government, was in general character consonant with the American policy of prevention of encroachments upon the rights of the natives.

Such was the state of affairs when the German Consul seized the ports of Saluafata and Falealii for the purpose of claiming most-favored-nation treatment as guaranteed by its agreement of 1877. The American Consul Griffin protested against the seizure of the ports as without justification and as contrary to international usage.<sup>55</sup> The German agreement with the chiefs, on which the seizure was based Griffin declared to have been "only a temporary matter made during the time of war for the protection of foreign property in Samoa."<sup>56</sup> The British acting consul, Robert Swanston, took a different stand requesting to be provided with a copy of the agreement<sup>57</sup> and afterward testifying to its validity as an instrument. In several instances at this time it is noticeable

<sup>54</sup> *Ibid.*, pp. 104 and 107.

<sup>55</sup> *Ibid.*, p. 124.

<sup>56</sup> There is nothing in the agreement to indicate its temporary character and the conditions of signing seem to have been formal and regular (*Ibid.* p. 136). Yet it is strange that it seemed to be unfamiliar a year later both to the British Acting Consul in Samoa (*Ibid.*, p. 125) and to Lord Salisbury himself (*Ibid.*, p. 136), each having requested to be furnished with a copy of the agreement.

<sup>57</sup> *Ibid.*, pp. 125 and 133, also p. 87.

that the British and German policies coincided in regard to their procedure in the protection of their interests in the islands.<sup>58</sup> Especially in the German efforts to obtain a commercial treaty with Samoa was the British support evident, Lord Salisbury instructing the British consul to lend his whole influence to the support ("mit seinem ganzen Einfluss zu unterstützen") of the German efforts to conclude a treaty with Samoa.<sup>59</sup> The German consul was instructed reciprocally to assist the British representative to obtain a similar treaty for Great Britain. There seems to have been little compunction on the part of either of the two nations against using force against the natives to obtain the conventions desired.

Meanwhile the Samoan ambassador Le Mamea had returned to the islands bearing with him the eagerly sought treaty with the United States. He was brought back to Samoa on the U. S. S. "Adams" and was accompanied by a special commissioner from the United States, Mr. Gustavus Goward,<sup>60</sup> who attended the ceremonies of the ratification of the treaty by the Taimua and Faipule, addressed the assembled chiefs, and later superintended the transfer of the harbor of Pago-Pago to the United States according to the provisions of the treaty. As evidence of the transfer, he erected the American flag on Goat Island commanding the harbor.

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<sup>58</sup> Ibid., p. 89.

Sir Arthur Gordon to His Imperial German Majesty's Consul for Samoa.

APIA, 16th February, 1878.

"Not only does it appear to me that the interest of all foreign residents in Samoa are, in substance identical, but I am aware that the Government of Her Britannic Majesty are entirely in accord as to the policy to be pursued with regard to those interests. Whatever, therefore, be your decision as to this request, I shall at least have the satisfaction of knowing that in any case we have the same object in view."

(See also Ibid., p. 93 (Anl. D), p. 112, No. 25, p. 87).

<sup>59</sup> Ibid., p. 142.

<sup>60</sup> For Mr. Goward's report on his mission to Samoa see Senate Executive Documents No. 2, 46th Congress, 1st Session. A resolution calling for the report was adopted by the Senate, March 3rd, 1879, the Senate immediately thereafter entered into Executive Session. (See Senate Journal, 46th Congress, 3rd Session, 1878-1879, p. 487.)

Mr. Goward was enthusiastically received by the Samoans, whose delight over the treaty seems to have been quite spontaneous.<sup>61</sup> In return he set forth to them the good-will of the United States, the first nation to conclude a treaty with Samoa, which it thereby recognized to be an independent nation. He drew attention to the fact that the treaty had been ratified by the Samoan Government, free from influence or force on the part of the United States. In case of trouble the United States—as stipulated by the treaty—stood ready to extend its good offices, Samoa having the honor to be the first place so far distant which had induced the United States to so extend its active influence. The Samoans were apparently entirely satisfied with the treaty and seemed to consider that Le Mamea had gained for them what they had sought.<sup>62</sup> Mr. Griffin announced to them that they now

<sup>61</sup> Sen. Ex. Doc. No. 2, 46th Cong., 1st Sess., p. 2.

<sup>62</sup> Goward Report, No. 1. "The Reception of the Treaty with Samoa." (Sen. Ex. Doc. No. 2, 46th Cong., 1st Sess., p. 3.)

"On receiving the ratified treaty, I replied as follows:

"Great is the love which America bears to Samoa strengthened by your action this day in the ratification of the treaty I hold in my hand. The first instrument of the kind in your history, it is a living testimony of the love and high respect in which you hold the guardian of your choice. Of America's vast extent of country, power, wealth, resources, and population your late ambassador, Mamea, will tell you. After many years of petition, at last America, in her faith in the brotherhood of mankind, has heard your pathetic appeals, and seven thousand miles away has stretched forth her powerful hand to your aid. She recognizes your assembled rulers and chiefs, the Taimua, and Faipule, as the Samoan Government, and Samoa itself as an independent nation among other nations of the earth such as England, Germany, and France, entitled with them to the courtesies and rights known to international law. Other people like yourselves, struggling for independence and national position, have in vain sought for her powerful aid and recognition. You have the honor to be the first to induce her to extend her good offices and active influence to islands so far distant. She does this in the hope that the faith she has in you has not been misplaced, and that you prove yourselves as worthy of confidence in the future as today you make manifest. By such treaties nations with each other bind more closely the ties of friendship and increase their commercial intercourse. So it will be in this case, creating public prosperity and advancing your progress. The voluntary readiness and unanimity with which you have ratified this treaty, free from influence or force on our part, will be a most pleasing duty for me to report to the United States Government. For the welcome and expressions of gratitude to which you have given utterance, be pleased to accept thanks."

"Consul Griffin remarked, in closing the interview, that they now had what they had asked for, and that everything had come to pass as he had foretold them; they could always rely on the American Government as sure to keep its promise and as bearing good will towards them."



had what they had wished for, which was misleading in view of the fact that they had asked for annexation. Just what their understanding was of their relationship to the United States through the treaty is not clear but it was at least feared by the German Consul<sup>63</sup> that they considered themselves to be under American protection, although the treaty did not provide for such a status. The fear as to just how the Samoan enthusiasm for the United States might affect commercial interests of Germany and Great Britain in the islands expressed itself in an attitude of coolness on the part of the German and British Consuls toward the American commissioner. They absented themselves from the celebrations in honor of the treaty and the criticisms of their press were adverse. Mr. Goward expressed satisfaction that he had been able to secure prompt ratification of the treaty by the Samoan Government, thus preventing active interference by other foreign officials.<sup>64</sup> From the viewpoint of the German Consul, Mr. Goward's attitude seemed high-handed and unfriendly to German interests. In an interview<sup>65</sup> Mr. Goward had told Herr Weber that he considered the German agreement of 1877 to be terminated (erledigt); that Article IV (*i. e.*, granting to Germany most-favored-

<sup>63</sup> V. R., 1879, Vol. VI, Anl. Nr. 239, p. 88.

Der Kaiserliche Konsul an das Auswaertige Amt.

"Heute kam mir seine (Mr. Maudslay, British Consular Superintendent) Korrespondenz mit Herrn Griffin zu Gesicht, woraus hervorgeht, dass die Taimua sich unter amerikanischen Schutz stellen und anscheinend nur durch Vermittelung des Mr. Griffin mit dem englischen Vertreter verhandeln wollten indem Herr Griffin auf Grund des abgeschlossenen Traktats das Recht der Intervention, beansprucht und den englischen Vertretern quasi das Recht abspricht, direkt mit den samoanischen Autoritaeten zu verhandeln, beziehungsweise Repressalien anzuwenden. Der englische Vertreter wird selbstredend hiervon keine Notiz nehmen.

Es wuerde fuer alle Besitzenden auf Samoa hoechst unheilvoll sein wenn der Traktat Amerikas eine solche Interpretation zulassen und dieselbe von anderen Staaten anerkannt werden sollte.

Aus den bisher bekannt gewordenen Inhalt jenes Traktats ist solches indess nicht herauszulesen, und waere ja ein solcher Anspruch auch nicht denkbar, wenn die Amerikanische Regierung nicht ausdruuecklich eine Protektorat ueber Samoa erwirbt." (gez.) Th. Weber.

<sup>64</sup> Sen. Ex. Doc. No. 2, 46th Cong., 1st Sess., p. 10.

<sup>65</sup> V. R., 1879, Vol. VI, Anl. Nr. 239, p. 115.

nation privileges in Samoa) could only be considered as polite phraseology; it was not at all necessary for Samoa to conclude treaties with the other nations represented there. The German Consul replied that the German inhabitants of the island had earned for themselves the right to a voice in the affairs of the Samoan Islands and that, while they never claimed anything which could be considered to be a restriction of the treaty rights of other nations, nevertheless, equality of treatment in Samoa had become Germany's unquestioned right. After inquiring into the conditions of the treaty which the Germans proposed to conclude with Samoa, Mr. Goward offered to act as intermediary. This Herr Weber promptly refused as incompatible with the dignity of the Imperial Government and of the status of German interests in the islands. Meanwhile the German warships continued to hold possession of the harbors of Saluafata and Falealii until the German treaty could be consummated.

The actions of the American Consul and of Mr. Goward were only examples of that overzealousness on the part of local officials (of each of the three nations) which became a typical cause of international troubles in Samoa.<sup>66</sup> The hoisting of the American flag over the Samoan flag at Mulinu by Mr. Griffin was disavowed by the Government of the United States. Mr. Griffin himself was transferred to the Fiji Islands and Secretary Seward gave the German ambassador at Washington to understand that the instructions given to the new consul, Mr. Dawson would prevent the repetition of such occurrences.<sup>67</sup>

On his return to the United States, Mr. Goward presented a report of his mission and included in it a review of the commercial developments in Samoa and his impressions as to the value of the islands. He emphasized the importance of the harbor at Pago-Pago, which had just come into the possession of the United States. He pronounced it the most important harbor in the south seas,<sup>68</sup> being large enough to hold the fleets of several nations, and at the

<sup>66</sup> F. R., '94, p. 507.

<sup>67</sup> V. R., 1879, Vol. VI, Anl. Nr. 239, p. 141; also p. xviii of Denkschrift.

<sup>68</sup> Sen. Ex. Doc. No. 2, 46th Cong., 1st Sess., p. 15.

same time, so land-locked as to be secure from hurricanes and storm and easy of defense from land or sea attacks. As a conclusion to the whole report of his mission to Samoa, he repeats his convictions of the importance of Pago-Pago to the United States in the following terms:<sup>69</sup>

“To Pago-Pago harbor in itself attention has been called with reference to its topographical features, its capacity, its internal fitness for a naval station and its possession by the United States. Additional allusion should be made to its general importance. In a naval point of view it is the key position to the Samoan Group, and likewise to Central Polynesia, admirably located for the protection of American commerce, upon the increase in those waters. The Samoan Archipelago is now, by reason of its geographical position in the center of Polynesia, lying in the course of vessels from San Francisco to Auckland, from Panama to Sydney, and from Valparaiso to China and Japan, and from the fact of being outside the hurricane track, the most valuable group in the South Pacific. Situated half way between Honolulu and Auckland, Pago-Pago would be a most convenient stopping place or coaling station for vessels or steamers either for supplies or the exchange of commodities. Should a naval station and the adjuncts that accompany be established, and the Pacific mail steamers make it a port of call, it would necessarily become the controlling commercial point in that part of Polynesia. These are ends most worthy of accomplishment, from the results that would follow, in the civilization of the natives, in the starting of profitable industries, and the establishment of factories and plantations on the different islands. With trade connections throughout the south seas, this wealth of products would be augmented and naturally fall into the hands of Americans interesting themselves, who would find a market for their commodities in the nearest American port of San Francisco. This is a commercial matter of such paramount importance to the merchants of the Pacific States as to call for their immediate attention and action.”

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<sup>69</sup> Sen. Ex. Doc. No. 2, 46th Cong., 1st Sess., p. 29.

Goward's testimony was endorsed shortly afterward by the German minister in Washington, who, in announcing to Seward the consummation of the German treaty, admitted that the United States had secured the best harbor in Samoa.<sup>70</sup> In spite of such praise, however, the public in the United States took little interest in the new harbor, the House of Representatives refused to vote it a coalyard and it remained deserted and undeveloped for a number of years.

After considerable difficulty and delay—which were declared due to the opposition of rival influences in the islands—the German Consul and the commander of the German warship “Ariadne” succeeded in obtaining from the Samoans the long-sought treaty.<sup>71</sup> Immediately on its signature they raised the siege of the harbors and saluted the Samoan Government.

The German treaty with Samoa<sup>72</sup> had as its underlying motive the securing for the German Empire of all the privileges of the most-favored-nation in relations with the island group. It was therefore openly admitted that it had been modelled to a considerable extent on the recent treaty between Samoa and the United States.<sup>73</sup> The latter country having been granted the harbor of Pago-Pago, the Germans chose for themselves that of Saluafata, obtaining in that harbor the exclusive right to establish a naval or coaling station for German ships.<sup>74</sup> It was expressly stipulated,

<sup>70</sup> F. W. Seward, “Reminiscences of a Wartime Statesman and Diplomat,” p. 440. (See also Appendix.)

<sup>71</sup> V. R., 1879, Vol. VI, Anl. Nr. 239, p. 179.

<sup>72</sup> Ibid., p. 1.

<sup>73</sup> Ibid., p. 185.

<sup>74</sup> Ibid., p. 1.

#### ARTIKEL V

“Es soll den deutschen Kriegsschiffen freistehen, in den Hafen von Saluafata einzulaufen, daselbst zu ankern, zu verweilen, Bedarf einzunehmen und auszubessern, und der deutschen Regierung soll es ferner freistehen, in jenem Hafen nach eigenem Ermessen alle fuer die deutschen Kriegsschiffe und deren Besatzungen nuetzlichen Einrichtungen und Anordnungen zu treffen.

Die Samoa Regierung ist ferner damit einverstanden, dass die deutsche Regierung an den Ufern jenes Hafens Gebäude Zwecks Lagerung von Kohlen und irgend anderen Bedarfsgegenstaende fuer die deutschen Kriegsschiffe und deren Besatzungen errichtet. Es soll der deutschen Regierung auch freistehen, auf dem Lande wo die Stationsgebäude errichtet werden ihre Flagge aufzuziehen, jedoch soll die Oberhoheit der Samoa Regierung ueber den Hafen von Saluafata dadurch in keiner Weise geschmaelert oder beeintraehtigt werden,



however, that the sovereignty of the Samoan Government over the harbor should be in no wise diminished or affected by the concession.<sup>75</sup> Saluafata was chosen because it offered protection to vessels throughout the whole year, whereas Apia lay open to the full force of the hurricanes during the stormy season. But, Apia being the commercial center of the islands, it was considered necessary to guarantee that place a free and independent development, so that a special clause was inserted providing against any future curtailment of German rights in Apia harbor. Other clauses of the treaty provided for mutual freedom of intercourse, or guaranteed to Germany equal commercial treatment with all other nations in Samoa. Article VIII,<sup>76</sup> however, involved a principle somewhat different from any contained in the American treaty. It provided that all laws, regulations and taxes to which Germans on the islands might be subjected were to be submitted

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andererseits aber verpflichtet diese auch nichts zu thun, wodurch die der deutschen Regierung in diesem Artikel gewahrten Rechte irgendwie werthlos gemacht oder beeinträchtigt werden koennten. Auch soll durch die in diesem Artikel der deutschen Regierung gewahrten Rechte der Hafen von Saluafata den Kriegs- oder Handelsschiffen derjenigen Nationen welchen der Samoa Regierung ihre Haefen offenhaltet nicht verschlossen werden, jedoch darf die Regierung von Samoa in Bezug auf diesen Hafen und seine Ufer keiner anderen Nation gleiche Rechte, wie die der deutschen Regierung gewahrten, bewilligen. Es soll den deutschen Kriegsschiffen ferner freistehen, auch in alle anderen Plaetze, Haefen, und Gewaesser Samoas einzulaufen daselbst zu ankern, zu verweilen, Bedarf einzunehmen und auszubessern, nach Massgabe etwaiger, zwischen den beiderseitigen Regierungen zu vereinbarenden Gesetze, und verspricht die Samoa Regierung hier ferner, dass sie keiner anderen Nation in irgend einer Weise irgendwelche Vorrechte vor der deutschen Regierung in Bezug auf den Hafen von Apia und dessen Ufer bewilligen will, sondern dass die deutsche Regierung auch in dieser Beziehung mit anderen Nationen immer gleichberechtigt sein soll."

<sup>75</sup> Consul Weber stated that this stipulation was inserted because of instructions from his government (V. R., 1879, Vol. VI, Anl. Nr. 239, p. 187). There is no corresponding reservation in the article governing the transfer of Pago-Pago to the United States. (See Appendix, or U. S. Statutes at Large, 45th Congress, 1877-1879, Vol. xx, p. 704.)

<sup>76</sup> V. R., 1879, Vol. VI, Anl. Nr. 239, p. vii.

#### ARTICLE VIII

"Alle Gesetze und Verordnungen, welchen die in Samoa sich aufhaltenden deutschen Staatsangehoerigen und Schutzgenossen sich zu unterwerfen, sowie alle Steuern und Abgaben, welche dieselben demgemaess der Samoa Regierung zu entrichten haben, sollen von dem deutschen Konsul oder anderen zu dem Zwecke von der deutschen Regierung ernannten Personen zusammen mit

to the German Consul or other German representative, who should discuss them with the Samoan official, and after this had taken place, those laws were to become valid only after they had received the sanction of the German Government. This Consul Weber considered to be a necessary measure<sup>77</sup> to assure to the Imperial Government the right to exert over the regulation of affairs in Samoa an influence which he held to be justified by the condition of affairs there. The Imperial Government, he considered, could not reject such a limited participation without laying the present German interests there open to foreign influence. The predominance of German developments in Samoa, resulting in the great proportion of taxes being paid by German subjects, made it, he said, fitting and necessary that the Germans should have a voice in questions of taxation. The clause seems to have met with no great objection from the Samoans or from the other foreign nations interested, yet it distinctly compromises the autonomy of the Samoan Government. Another clause of the treaty (Article VI)<sup>78</sup> secured for the Germans living in Samoa definite title to all their lands purchased up to that date and stipulated against any further question as to the validity of their possession. The treaty was considered by the German Government<sup>79</sup> to be well suited to the protection of German interests in the immediate Samoan group, but that it would have little effect unless completed by other treaties or agreements with the other island groups, for the commerce of which Samoa served as a point of distribution. The labor supply for the plantations on Samoa had to be secured from the other islands of Polynesia,<sup>80</sup> consequently there was keen rivalry between the competing companies—especially between the German and English firms—in securing and importing workers. In the case of islands which had become definitely protectorates of

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Beamten der Samoa-Regierung berathen werden, ebenso alle zweckdienstlichen Massregeln, um die Beobachtung solcher Gesetze und Verordnungen durch die Deutschen in Samoa herbeizufuehren, jedoch sollen alle solche gemeinschaftlich von den Beamten der beiderseitigen Regierungen berathenen und vereinbarten Gesetze und Massnahmen erst nach erlangter Bestaetigung derselben durch die deutsche Regierung in Kraft treten.<sup>77</sup>

<sup>77</sup> V. R., 1879, Vol. VI, Anl. Nr. 239, p. 188.

<sup>78</sup> *Ibid.*, p. vi.

<sup>79</sup> *Ibid.*, Denkschrift, p. xx.

<sup>80</sup> *Ibid.*, p. 209.

Great Britain, the inhabitants were not permitted to emigrate to any but British possessions and Great Britain secured thereby a monopoly of the labor supply in those regions.<sup>81</sup> It was therefore held important to keep open to German firms the sources of plantation labor in the Pacific and Consul Weber was sent on a cruise throughout Polynesia, forming with the chiefs treaties or agreements, the main tenor of which was to prevent any other nations from securing a monopoly and to assure for Germany most-favored-nation treatment in all respects. Where the inhabitants were not sufficiently civilized to make a written agreement possible, the site for a coaling station was purchased. The policy, however, as expressly stipulated in the instructions of the foreign office<sup>82</sup> was to avoid the actual purchasing of harbors and to secure merely the use of them for German naval vessels; to secure equal treatment of German interests, but nowhere to conclude agreements which should interfere with the freedom of intercourse of other nations in those islands. In summing up the German policy in the Pacific at this time, the Secretary of the Foreign Office declared<sup>83</sup> before the Reichstag that all the agreements concluded

<sup>81</sup> Ibid., p. 174, also A. & P., 1889, LXXXVI (C-5629), p. 73, par. 183.

<sup>82</sup> Ibid., Denkschrift, p. xix.

<sup>83</sup> V. R., 1879, Vol. II, 58 Sitz., 13 Juni, 1879, p. 1602.

Von Buelow (Bevollmaechtigter zum Bundesrath, Staatssekretaer des Auswaertigen Amts, Staatsminister).

„Es wuerden aber diese Vertraege auf nichts anderes hinauslaufen, als auf ein gleiches Recht fuer alle; wir wollten kein Monopol, keine Ausschliessung anderer. Somit naehmen wir fuer diese Niederlassungen einfach das Recht in Anspruch, dass dasjenige, was durch die treue deutsche Arbeit, durch den ehrenwerthen tuechtigen Unternehmungsgeist dort gegruendet und in erfreulicher Weise entwickelt sei, auch das Recht behalte, was es durch seinen Ursprung erworben und in der Stille entwickelt habe, naemlich, das gleiche Recht mit Allen, Schutz gegen unberechtigte Konkurrenten, die zum Nachtheil des deutschen Handels und der deutschen Niederlassungen gereichten: Das ist in jedem der Schriftstuecke, die abgedruckt und beigefuegt sind, als leitender Gedanke mehr oder weniger zum Ausdruck gebracht, uns ist dies der leitende Gedanke geblieben.

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Ich betrachte es als ein glueckliches Anzeichen fuer das Gelingen der sich daran knuepfenden Bestrebungen fuer die Aufrechterhaltung dieses Vertrages, dass wir gleichzeitig mit dem Abschluss desselben von Seiten der beiden grossen befreundeten Seemaechte, welche gleichfalls Interessen in Samoa haben und vertreten, die Anerkennung und freundliche Anerkennung bekommen haben, dass Vertraege dieser Art der rechte Weg seien, um der Unsicherheit

aimed at nothing further than an equal right for all—that Germany wished to found no colonies and to establish no monopolies but only to make certain that German commerce should enjoy good and equal rights with that of any other nation. Moreover, he considered it as a happy evidence of the success of the treaty that he had received from both of the other interested powers, friendly recognition that treaties of this sort were the right way to end uncertainties and solve the problems involved.

Upon the conclusion of the German treaty with Samoa, Herr Weber, the German Consul, following his instructions, set about assisting the British Consul to obtain a treaty for Great Britain.<sup>84</sup> While the negotiations were in progress an event occurred which revealed rather clearly the contrasting attitudes of the foreign representatives toward the Government of Samoa.<sup>85</sup> The Taimua and Faipule sent out an invitation to the three consuls to meet them in conference concerning the making of certain laws and especially to ask the consuls for their opinion as to the advisability of taking into the government as adviser a certain American gentleman then residing in Apia. Herr Weber stated that he was opposed to the Samoans taking any foreigner into their government as adviser, believing that it would give rise to difficulties as in the time of Steinberger. Moreover, such an adviser should have the endorsement of the three governments, Germany, England and America, which could not well be done until the Samoan

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ein Ende zu machen. Ich bin ueberzeugt, dass gerade die freie Gleichberechtigung, die sich nicht weiter in die inneren Verhaeltnisse einmischet als zur Aufrechterhaltung und Durchfuehrung des Vertrags, zur Sicherstellung der erworbenen Privatrechte, der freien Ein- und Ausfuhr noethig ist der einzige Weg ist, die grosse Konkurrenz der Nationen wie ich schon erwaehte, gerade an diesem Punkte der Suedsee mehr und mehr friedlich auszugleichen.

So viel ueber diesen Vertrag, meine Herren. Was aber im uebrigen die weiteren Entwuerfe und Vorbereitungen zu Vertragen oder wie man sie nennen will, mit den umliegenden kleinen Inseln angeht, die Sie in der sehr interessanten Rundfahrt des Herrn Kapitaen von Werner beschrieben finden, so glaube ich, darauf verweisen zu duerfen dass die Sache noch nicht abgeschlossen ist, dass aber dieselben Grundsaeetze, welche fuer diesen heutigen Vertrag leitend gewesen sind, auch da geltend bleiben: wir wollen keine Kolonien dort gruenden, wir wollen kein Monopol gegen andere haben, wir wollen nur feststellen, soweit man es feststellen kann, dass deutsche Schifffahrt und Handel dort gutes Recht und gleiches Recht haben.<sup>86</sup>

<sup>84</sup> Ibid., p. 190.

<sup>85</sup> Ibid., p. 191.



Government had made some form of agreement with England. In the meantime the consuls of the three powers would be glad to lend their assistance and advice to the Samoan Government in framing new laws or regulations for the islands. The British acting consul,<sup>86</sup> Mr. Swanson, expressed a similar opinion, stating that while his country had no defined relations with the Samoan Government, which had the right to appoint what officials it chose, nevertheless, he thought that the service of foreigners in the government was not needed and would probably create jealousy and trouble. The United States Consul, Mr. Dawson, however, was emphatic in his assertion of their right to do as they pleased. The United States had recognized the Samoans as a free and independent nation—as such they had the right to avail themselves of any assistance they wished or to take fifty foreigners into their service if they saw fit to do so. On the expediency of so doing, however, he refused to commit himself or to give any advice.

The British treaty with Samoa was finally consummated toward the end of the same year.<sup>87</sup> This was also based on the general principle of securing for British subjects and their interests equal rights and privileges with subjects of all other foreign nations in Samoa. The British also secured for themselves the right to establish a naval and coaling station in the islands in any harbor except that of Apia, Saluafata, or “that part of the harbor of Pago-Pago which may be hereafter selected by the Government of the United States as a station.” Great Britain was also guaranteed the peaceable possession of all lands purchased by her subjects from the Samoans in regular manner—but the possibility of dispute was admitted and its settlement provided for by a mixed commission of Samoan and British officials. This differed radically from the German clause which practically prevented all investigation of disputed titles up to the date of the treaty<sup>88</sup> and established the firm of Goddefroy in full possession of all the lands

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<sup>86</sup> *Ibid.*, p. 192.

<sup>87</sup> Hertslet's *Commercial Treaties*, Vol. XV, p. 334 ff. (See Appendix.)

<sup>88</sup> A. & P., 1889, LXXXVI (C-5629), p. 63.

claimed by them and disputed by other nationals. Like the Germans, the British insisted on a determining voice in the municipal laws and police regulations as they affected British subjects, Article VII stipulating that British subjects would be instructed to observe "such of the existing municipal laws and police regulations of Samoa as may be hereafter agreed upon by agreement between the Government of Her Britannic Majesty and that of the Samoan State." Like the corresponding German clause, this was a limitation of the sovereignty of the Samoan Government.

The British-Samoan Treaty was concluded with King Malietoa, lately restored to power and recognized by the three Treaty Powers as *de facto* ruler. The German treaty had been concluded with two houses of Samoa, the Taimua and Faipule, who had for two years without a king held the reins of government.

There is nothing in either the British or German treaties which parallels the clause in the American treaty providing for the friendly intervention or the exercise of good offices in case of troubles arising between Samoa and a third nation. This clause placed the United States in the unique position of a kind of voluntary protector of the independence of Samoa.

Very shortly after the signing of the British Treaty a general convention<sup>89</sup> was drawn up between the Government of Samoa and the Consuls of the Powers, providing for the neutralization of the district of Apia, the town and harbor being placed under the government of a municipal board consisting of the consuls of those

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<sup>89</sup> House Ex. Doc., 50th Cong., 1st Sess., 1887-1888, Vol. XXVIII, No. 238, p. 132. Convention of September 2nd, 1879, also *Ibid.*, pp. 9 and 10. Secretary Bayard, in 1885, defended the Municipal Convention in his instructions to Consul Greenebaum (House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 10).

"The municipality of Apia," he wrote, "is not such a protectorate; it is a compact for the administration of a settlement largely peopled by aliens, whose established interests there are entitled to the security which such an arrangement affords. While it is true that the Municipality Convention was intended to exert a moral influence in favor of stable and good government in the islands, you must, as the American consul, be careful to distinguish between its special and local aims, and any idea of a tripartite protectorate to which this Government may be deemed a party."

(See also House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 30.)

nations having treaty relations with Samoa. The municipal board was given power to make and enforce regulations concerning peace and order, public works, sanitation, taxation and other subjects of public concern within the territory designated, and such regulations were to be binding on all persons within the district. In time of war this district was to be held as neutral territory between the warring factions and the municipal council was empowered to take what measure it considered necessary to protect that neutrality. Having thus taken into their own hands the government of the principal port of the islands, the representatives proceeded to give better appearance to their act by providing that the Samoan flag should wave over the building where the municipal council held its meetings and the territorial integrity of Samoa was to be considered in no way prejudiced. The convention was drawn between Samoa and Great Britain, the other two nations acceding to the articles of the convention through separate articles to that effect. The American representatives (Consul Dawson and Captain Chandler of the U. S. S. "Lackawanna") acceded to the agreement merely provisionally, subject to the approval of the United States Government. The convention was never ratified by the United States Government. In practice, however, the American consuls took their due part in the administration of the district of Apia according to the provisions of the convention, so that it was tacitly accepted by all.

This convention may be considered to conclude the early period of Samoan diplomacy—the period of the treaties. Each of the three great nations having commercial or strategic interests in the islands had placed itself by formal agreement with the inhabitants on a basis of equality of treatment with the other powers represented there. Each nation had formally acknowledged the independence of Samoa. Yet Great Britain and Germany in the same treaties in which they announced that independence, had compromised it through the clauses providing for their control over the Samoan legislation affecting British and German subjects. The United States' treaty contained no provision for American oversight or control over domestic legislation in Samoa even where American citizens might be affected. The Convention establishing

the Municipality of Apia placed the administration of that locality entirely in control of the representatives of the three powers, and constituted therefore a curtailment of Samoan native rule within the prescribed area. The United States, by taking part in this consular government of Apia, shared in the foreign control over this part of the island, but never became formally a signatory to the convention.

The following period is marked by increased disorder throughout the islands. The frequent conflicts between the native chiefs were now increased in importance by the support given to one side or another by the foreign firms established there. What would have been a petty war between one Samoan chieftain and another became much more serious when one of those chieftains was considered to be the champion of German interests and his opponent the champion of American or British interests—then the strife became an affair of the consuls and finally of the home governments. The treaties having definitely granted equal treatment to each of those governments, there was the increased tendency on the part of foreign residents to work the native factions for national ends, or at least to consider national interests to be involved in the ordinary commercial rivalries.<sup>90</sup>

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<sup>90</sup> According to Robert Louis Stevenson, the celebrated chronicler of events in Samoa, this was especially true of the great German firm of Goddefroy & Co., now bearing the title of "Deutsche Handels- und Plantagengesellschaft fuer Sued See Inseln zu Hamburg." ("A Footnote to History—Eight Years of Trouble in Samoa," in "Letters and Miscellanies of Robert Louis Stevenson, Vol. XIX, p. 396.)

"The firm is Gulliver among the Lilliputs; and it must not be forgotten that while the small, independent traders are fighting for their own hand and inflamed with the usual jealousy against corporations, the Germans are inspired with a sense of the greatness of their affairs and interests. The thought of the money sunk, the sight of these costly and beautiful plantations menaced yearly by the returning forest, and the responsibility of administering with one hand so many conjunct fortunes, might well nerve the manager of such a company for desperate and questionable deeds. Upon this scale, commercial sharpness has an air of patriotism, and I can imagine the man, so far from higgling over the scourge for a few Solomon Islanders, prepared to oppress rival firms, overthrow inconvenient monarchs, and let loose the dogs of war. Whatever he may decide, he will not want for backing. Every clerk will be eager to be up and strike a blow; and most Germans in the group, whatever they may babble of the firm over the walnuts and the wine, will rally around the national concern at the approach of difficulty. They are so few—I am ashamed to give their number, it were to challenge contradiction—they are



The chief cause of native disturbance was rivalry over the kingship of Samoa. There seems to have been almost never a king who had the sanction of all Samoa. There were always on hand one or more chiefs aspiring to make themselves king and only looking for a sufficient following or sufficient ammunition to start a revolution. So that, when a foreign commercial firm considered that the monarch then in power was opposing its interests, it had no trouble in finding rival candidates to oppose him and his measures.

In 1879, by the action of the German Captain Deinhard in agreement with the American and British representatives, the chiefs of the rival factions were induced to meet on board the "Bismarck," then at anchor at Apia, and sign an agreement<sup>91</sup> to end hostilities. They also reaffirmed the ratification of the American, German and British treaties with Samoa, together with the municipal convention, and appointed as king (for his lifetime) Malietoa Talavou, with his nephew Malietoa Laupepa as regent. A new flag was adopted which should belong to no particular king but should show the unity of all Samoa. The opposing party, though having signed the agreement, was not long in repudiating it, and civil war again threatened and the consuls of the three nations deemed it advisable to give active support to the ruler whom they had recognized. They therefore concluded with the king an agreement<sup>92</sup> to support him during his lifetime as head of the Samoan Government, to agree upon his successor and to establish immediately an executive council for the king. This executive council was to consist of an American citizen, a German and a British subject, who should be nominated by the three consuls from among the residents of Samoa and who should hold

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so few, and the amount of national capital buried at their feet is so vast, that we must not wonder if they seem oppressed with greatness and the sense of empire. Other whites take part in our babbles while temper holds out, with a certain schoolboy entertainment. In the Germans alone, no trace of humor is to be observed, and their solemnity is accompanied by a touchiness often beyond belief. Patriotism flies in arms about a hen; and if you comment upon the color of a Dutch umbrella, you have cast a stone against the German Emperor."

<sup>91</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 201 ff.

<sup>92</sup> *Ibid.*, p. 207 f.

respectively the offices of minister of justice, minister of finance and minister of public works. The three nations were explicitly referred to as "the three protecting powers." The agreement was formed at the proposal of the German Government and the consuls of the other two nations received instructions to unite with their colleagues in an agreement to protect the government of Malietoa. However, when completed the agreement was not formally confirmed by the Treaty Powers.<sup>93</sup> The British Government considered that such an arrangement would practically give over the administration of the islands to the three governments represented by the Executive Council. Nevertheless the agreement was put into effect as a working arrangement, the British and American governments reserving the right<sup>94</sup> to withdraw from it at any time. The stand taken by the United States was that the agreement was to be looked upon, not as a treaty "but simply as a scheme of arrangement between the consular body and the government of the islands for the protection of the interests of foreigners." "The three advisers" were selected, and assisted the legislative body to pass certain laws regulating quarantine, prohibiting the sale of ammunition, intoxicants, etc., after which they withdrew temporarily and seem never to have resumed their functions in relation to the native government. As salaried ministers of the Samoan Government and at the same time, citizens of foreign nations, the three advisers constituted an anomaly in what had been declared to be an autonomous government.

Another outbreak of the insurgent party resulted in a second reconciliation through the efforts of the foreign consuls and another agreement was signed,<sup>95</sup> this time on board a United States vessel, the "Lackawanna," and was known as the Lackawanna peace. By it the chiefs of both parties and the consuls of all three nations declared Malietoa Laupepa to be King of Samoa and his rival Tupua Tamasese to be Vice-King<sup>96</sup>—a compromise created to make

<sup>93</sup> A. & P., 1889, LXXXVI (C-5629), p. 65.

<sup>94</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 149.   <sup>95</sup> *Ibid.*, p. 208.

<sup>96</sup> R. L. S., Vol. XIX, p. 375.

"By the Lackawanna treaty, Laupepa was confirmed king and Tamasese set by his side in the nondescript office of vice-king. The compromise was,

the peace but not likely to preserve it. The arrangement, nevertheless, served to maintain outward tranquillity in the islands for several years.

Forces were at work in Samoa, however, which made future conflict unavoidable. These were the activities of individuals working either secretly or openly for the annexation of the island group to their own governments. One of the earliest of these agitators<sup>97</sup> to take definite part in such a project was a certain Mr. Lundon, former representative of the New Zealand Assembly, who visited the islands in 1883 and sent home reports setting forth the unsatisfactory condition of the Samoan Government, and urging the annexation of the islands to New Zealand. While in Samoa he sought to influence the native chiefs in favor of this scheme and advised them several times at meetings of their parliament to secure for themselves annexation to New Zealand. King Malietoa thereupon addressed an appeal to Queen Victoria to unite the islands to the British Empire. Mr. Lundon was not alone in his policy but represented a movement prevailing in his home country for drawing into the system of British Pacific colonies the scattered groups of small islands not yet definitely claimed by any other European power. In 1883 the Assembly of New Zealand passed what is called the "permissive annexation act" to provide for this expansion of the rule of the larger colonies over the archipelago of the Southern Pacific. Such a measure, however, required the sanction of the British Government, and negotiations between New Zealand and the Foreign Office on this subject extended throughout the year 1884.<sup>98</sup> The propaganda among the Samoan

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I am told, not without precedent; but it lacked all appearance of success. To the constitution of Samoa, which was already all wheels and no horses the consuls had added a fifth wheel. In addition to the old conundrum 'Who is King?' they had supplied a new one, 'What is the Vice-king?'

<sup>97</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 158 ff.

<sup>98</sup> Ibid., p. 159. Governor Jervois of New Zealand in forwarding the annexation bill then under consideration, wrote to the British Secretary recommending:

"That the British Government should, under existing circumstances take steps for the establishment of its rule over such islands in the Pacific as are not already occupied by or under the protection of a foreign power, and the occupation of which by any foreign power would be detrimental to the interests of Australasia."

natives was not without effect and a second appeal was sent out by Malietoa to Queen Victoria to take the islands under her sovereignty and save them from other governments, which they feared desired to take possession of the country.<sup>99</sup>

Meanwhile Germany was still more active. The German Government had advanced to even more positive support of its interests overseas, and had caused to be introduced in the Reichstag<sup>100</sup> a measure for the rescue of the business of the firm of Goddefroy and Company, which dominated the commercial developments in Samoa and which had fallen heavily in debt. The bill provided for the guarantee of a certain amount of interest on the bonds of a new company which was to take over the business of the Goddefroys, to maintain and to extend it. Those in favor of the measure stated that its object was to protect German commercial enterprise against American and British competition. It finally came out that the measure had the strong backing of the government. In spite of this it was defeated, the members of the Reichstag offering determined opposition to what they sensed to be a step leading toward the development of a navy, whereas they felt already overburdened with taxes for the support of the army. The effort meeting defeat had therefore no effect in Samoa, but is significant as indicating the beginning of a government expansion policy.

Further efforts in this same direction were shown by the vigor with which the Germans were pushing their interests in the islands. The rule of Malietoa was characterized by the customary laxness of the native kings when questions of law and order were concerned, and there had been a long line of depredations and petty crimes which had gone unpunished and under which the German residents on their great plantations were the chief sufferers. Therefore these grievances, though there was nothing new in principle about them, were made the basis of vigorous protest on the part of Dr. Stuebel, the German Consul.<sup>101</sup> It is quite probable that

<sup>99</sup> Ibid., p. 209. (Inclosure D.) Malietoa had received no reply to the appeal sent to the Queen the year before.

<sup>100</sup> F. R., 1880, pp. 427 and 428.

<sup>101</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 113 ff, also p. 210.



the New Zealand annexation movement may have determined his aggressive action.<sup>102</sup> At any rate he summed up his grievances against Malietoa—particularly the latter's refusal, or continued neglect, to punish some native Samoans who had been guilty of certain crimes against the persons and property of German subjects. He stated that through these crimes and the neglect to punish them the Samoan Government had been for many months violating the regulations of the German-Samoan treaty of 1879. It was, therefore, necessary that they obey those regulations and, as provided for in the treaty (Article VII), conclude a special agreement for the carrying out of the punishment of offenders. The continued refusal to conclude such an agreement he held to be also a violation of the treaty. The presence of two German warships in the harbor had its intended effect and Malietoa and the Vice-King Tamasese signed the agreement which had been prepared for them. This took place on November 10, 1884, under extraordinary procedure. The agreement was read once to Malietoa by an interpreter, but the German Consul refused to leave the king a copy of the instrument for consideration either before or after his signing it.<sup>103</sup> The treaty provided<sup>104</sup> for the establishment of a German-Samoan Council of State which should consist of the German Consul (or his representative), two Samoans to be chosen respectively by the king and vice-king in coöperation with the Taimua and Faipule, and two Germans to be appointed by the German Consul. This German-Samoan Council was to deliberate and decide upon all laws and regulations relating to the

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<sup>102</sup> V. R., 1885, Anl. Vol. VI, Aktenstueck Nr. 167, p. 702. In a letter to Bismarck, August 8, 1883, he referred to the annexation of the islands by New Zealand as a danger threatening very seriously the German interests in the South Pacific. He admitted that the danger would probably be deferred until the British commercial hold was stronger on the islands, and that the probable policy of the British Government would be to put a restraining hand on Australian chauvinism until that time.

<sup>103</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 113 ff., also p. 210.

<sup>104</sup> The treaty was forwarded to the British Government in January, 1885, by Bismarck at the request of the British Ambassador in Berlin (V. R., 1885, Anl. Vol. VI, Aktenstueck, Nr. 167, p. 726 f.), and in February, 1885, was sent to the U. S. Secretary of State, Mr. Frelinghuysen (House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 5.).

common interests of the Samoan Government and the German subjects residing in Samoa. The Council was to draw up especially legal provisions pertaining to the punishable acts of Samoans which affected the persons, employees or property of German subjects. These provisions were then to be issued as laws after being signed by the king and vice-king, and it was to be stated in the preamble that the law was decreed after receiving the endorsement of the German-Samoan State Council. The king was to appoint, in agreement with the German Consul a German official of the Samoan Government who was to be the secretary and adviser of the king in all affairs which concerned the Germans living in Samoa. He was also to have supervision over the imprisonment of offenders and a new prison was to be built for the purpose—the necessary police officers were under his command. The expenses entailed in carrying out the provisions of the agreement were to be met from the income from the labor of prisoners and from taxes paid by the German subjects. The Imperial Government was given the right of cancelling the treaty after six months' notice—no provision was made for annulment by the Government of Samoa.

It is quite evident that under this treaty there would have been little left to the native government that was Samoan. It is also evident that it destroyed temporarily the equality of status of the three powers established for them by the three treaties of 1878 to 1879. In order to restore the United States and Britain to an equal status in the island, it would have been necessary to establish similar American-Samoan and British-Samoan Councils—something which was possible so far as the treaty was concerned. King Malietoa was well aware that vigorous protests would be made by the British and American Governments. Immediately after signing the treaty he renewed his urgent petition to the British Government for annexation,<sup>105</sup> explaining that he was not responsible for the agreement, that he had signed it only through fear of the Germans and that he would end it as soon as Her Majesty should take over the islands. He also sent to the United States Consul a similar apology for the treaty, declaring that it

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<sup>105</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 210.

was made against his will and should not be held against him. He appealed to the American Consul for aid, as the German Consul had been threatening him because of his petition to the Queen of England for annexation.

In response to the inquiry of Lord Granville the German Ambassador in London declared<sup>106</sup> in defense of the agreement that its stipulations were all within the provisions of the German Samoan treaty of 1879 and infringed neither the independence of the island group nor the rights of other nations there. The benefits of better order in the islands, which it was the aim of the treaty to secure, the Ambassador said, would be shared by citizens of the other treaty powers, while the costs of the enactment of its provisions were to be borne by Germans only. The German Government, therefore, trusted that its efforts to secure better order in the islands would not be opposed from other quarters.

Malietoa, still hoping for British protection, proceeded to disregard the German treaty, which he declared he had signed only to keep the peace, and taking a bolder stand, passed an act through the native parliament<sup>107</sup> announcing the annexation of the Samoan group of islands to the colony of New Zealand. The German Consul, Dr. Stuebel, hereupon took things into his own hands. Publishing a list of his complaints against the actions of the king—his continued refusal to deliver certain escaped Samoan convicts, his expressed insults against Germany, and his generally hostile attitude, Dr. Stuebel proceeded to take possession of the municipality of Apia—so far as the rights of sovereignty of King Malietoa were concerned—and, as evidence thereof, he hoisted the German flag at Mulinuu point.<sup>108</sup> The British and American consuls at once protested against Dr. Stuebel's action as a violation of the Municipal Convention of 1879, which had placed the administration of the municipality of Apia in the hands of the municipal council acting under the sovereignty and flag of the Samoan

<sup>106</sup> V. R., 1885, Anl. Vol. VI, Aktenstueck, Nr. 167, p. 726; also House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 5.

<sup>107</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 211.

<sup>108</sup> Ibid., p. 212, also A. & P., 1889, LXXXVI (C-5629), p. I.

Government. The situation had now become acute and was referred to the home governments.

Meanwhile negotiations were taking place between the British and German Foreign Offices in regard to the whole subject of their colonial interests, both in Africa and in the Pacific.<sup>109</sup> The system of recruiting laborers from the small islands to work on the cultivated plantations of the Samoan, Tonga and other groups had caused sharp rivalry between the large firms controlling the trade in those regions, rivalry which now and then developed into open physical conflict.<sup>110</sup> Moreover, Germany had definitely entered upon the policy (which Bismarck denied to be a colonial one in the sense of the French system)—of giving government protection to German commercial enterprise wherever that had definitely established itself through the diligence of German subjects.<sup>111</sup>

<sup>109</sup> For accounts of the development of German interests in various islands of the South Pacific. See V. R., 1885, Anl. Vol. VI, Aktenstueck, Nr. 63, "Deutsche Interessen in der Suedsee I;" or Weissbuch, Erster Theil, 1885; also V. R., 1885, Anl. Vol. VI, Aktenstueck, Nr. 167, "Deutsche Interessen in der Suedsee II."

<sup>110</sup> V. R., 1885, Anl. Vol. VI, No. 167, p. 693 ff.

Case of British laborer ship "Stanley" and the destruction of the Hershheim station by its crew.

<sup>111</sup> V. R., 1884, Vol. II, p. 1061 ff.

Bismarck, Imperial Chancellor, before the Reichstag, June 26, 1884:

"Ich wiederhole, dass ich gegen Kolonien . . . ich will sagen nach dem System, wie die Meisten im vorigen Jahrhundert waren, was man jetzt das franzoesische System nennen koennte,—gegen Kolonien, die als Unterlage ein Stueck Land schaffen und dann Auswanderer herbeizuziehen suchen, Beamte anstellen und Garnisonen errichten,—dass ich meine fruehere Abneigung gegen diese Art Kolonization, die fuer andere Laender nuetzlich sein mag, fuer uns aber nicht ausfuehrbar ist, heute noch nicht aufgegeben habe. Ich glaube, dass man Kolonial projekte nicht kuenstlich schaffen kann.

Etwas ganz anderes ist die Frage, ob es zweckmaessig, und zweitens, ob es die Pflicht des deutschen Reiches ist, denjenigen seiner Unterthanen die solchen Unternehmungen im Vertrauen auf des Reiches Schutz sich hingeben, diesen Reichsschutz zu gewahren und ihnen gewisse Beihilfen in ihren Kolonialbestrebungen zu leisten um denjenigen Gebilden, die aus den Ueberschuessigen Saefen des gesammten deutschen Koerpers naturgemaess herauswachsen, in fremden Laendern Pflege und Schutz angedeihen zu lassen. Und das bejahe ich, allerdings mit weniger Sicherheit vom Standpunkt der Zweckmaessigkeit . . . ich nicht voraussehen was daraus wird . . ., aber mit unbedingter Sicherheit vom Standpunkte der staatlichen Pflicht.

Meine von Seiner Majestaet dem Kaiser gebilligte Absicht ist, die Verantwortlichkeit fuer die materielle Entwicklung der Kolonie ebenso wie ihr Entstehen der Thaetigkeit und dem Unternehmungsgeiste unserer seefahren-



The expansion projects of the New Zealanders increased the tension. It was soon seen by both governments that in order to prevent further friction it would be necessary to come to some definite agreement defining the status of each nation in certain specific groups of islands, and also to determine on some geographic division of the South Pacific which should regulate the future developments of British and German commerce there.<sup>112</sup> The opening proposal for such an understanding was made by Germany to England and was received cordially by Lord Granville, who declared<sup>113</sup> emphatically that England cherished no jealousy toward German colonization enterprises and was in no way unappreciative of the important position which Germany held on some of the South Sea islands. The British Government would therefore be very glad to define in which parts the influence of the one country and in which parts that of the other predominated.

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den und handeltreibenden Mitbuerger zu ueberlassen und weniger in der Form der Annektierung von ueberseeischen Provinzen an das deutsche Reich vorzugehen als in der Form von Gewaehrung von Freibriefen nach Gestalt der englischen Royal-charters im Anschluss an die ruhmreiche Laufbahn, welche die englische Kaufmannschaft bei Gruendung der ostindischen Kompagnie zurueckgelegt hat, und (hoert! hoert! rechts) den Interessenten der Kolonie zugleich das Regieren derselben im wesentlichen zu ueberlassen und ihnen nur die Moeglichkeit europaeischer Jurisdiktion fuer Europaeer und desjenigen Schutzes zu gewaehren, den wir ohne stehende Garnison dort leisten koennen.

Unsere Absicht ist nicht Provinzen zu gruenden, sondern kaufmaennische Unternehmungen, aber in der hoechsten Entwicklung auch solche die sich eine Souveraenitaet, eine schliesslich dem deutschen Reich lehnbar bleibende, unter seiner Protektion stehende kaufmaennische Souveraenitaet erwerben, zu schuetzen in ihrer freien Entwicklung, sowohl gegen die Angriffe aus der unmittelbaren Nachbarschaft als auch gegen Bedrueckung und Schaedigung von Seiten anderer europaeischen Maechte. Im uebrigen hoffen wir dass der Baum durch die Thaetigkeit der Gaertner, die ihn pflanzen, auch im Ganzen gedeihen wird, und wenn er es nicht thut, so ist die Pflanze eine Verfehlt, und es trifft der Schade weniger das Reich denn die Kosten sind nicht bedeutend, die wir verlangen, sondern die Unternehmer, die sich in ihren Unternehmungen vergriffen haben. Das ist der Unterschied: bei dem System welches ich das Franzoesische nannte, will die Staatsregierung jedesmal beurtheilen, ob das Unternehmen ein Richtiges ist, und ein Gedeihen in Aussicht stellt; bei diesem System ueberlassen wir dem Handel, dem Privatmann die Wahl, und wenn wir sehen, dass der Baum Wurzel schlaeagt anwaechst und gedeiht, und den Schutz des Reiches anruft so stehen wir ihm bei, und ich sehe auch nicht ein, wie wir ihm das rechtmassig versagen koennen."

<sup>112</sup> V. R., 1885, Anl. Vol. VI, Aktenstueck, Nr. 167, p. 711.

<sup>113</sup> Ibid., p. 712, No. 23; also House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 162.

As to Samoa, the two governments exchanged assurances that each had no interest to annex this group and the activities of New Zealand toward acquiring the islands were halted by word from the British Foreign Office stating that the German Government had given and received assurance that the independence of Samoa would be maintained. Negotiations on the general subject of Pacific possessions extended throughout two years (1884-1886). During this time a series of flag-hoistings took place in the South Pacific. England, led by the demands of Australia, occupied the south coast of New Guinea and Germany immediately took possession of the north coast<sup>114</sup>—up to the already established Dutch possessions.<sup>115</sup> Spain, after a controversy with Germany,<sup>116</sup> gained acknowledged sovereignty over the Carolines and Pelew group, France gained the New Hebrides and finally the British-German negotiations were consummated in the agreement of April 6, 1886,<sup>117</sup> dividing between them the Western Pacific. A line of demarcation was established, running irregularly from 15° north latitude to 30° south latitude. Germany agreed "not to make acquisitions of territory, accept protectorates, or interfere with the extension of British influence to the East, Southeast, or South of the said conventional line" and to give up any acquisitions already established there. Great Britain reciprocally made the same promises for the region West, Northwest and North of the demarcation line. As the part of the Pacific so partitioned included the Samoan Islands, these, together with the Tonga Islands and the Island of Niué (Savage Island), were exempted from the provisions of the treaty and were to be continued as a

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<sup>114</sup> V. R., 1885, Anal. Vol. VI, Aktenstueck, Nr. 167, p. 718. The correspondence over the seizure of the New Guinea coasts shows a more aggressive colonial policy than that outlined by Bismarck to the Reichstag the preceding year. Bismarck at this time declares:

"Wir beabsichtigen nunmehr, wie in Westafrika so auch in der Suedsee, diejenigen Gebiete welche durch vorherrschende Ausbreitung des deutschen Handels oder in Folge der Vorbereitungen zu dieser als geeignet dazu erscheinen, unter den direkten Schutz des Reichs zu stellen."

<sup>115</sup> Ibid., p. 716, No. 36.

<sup>116</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 112.

<sup>117</sup> V. R., 1885-'86, Anal. Vol. VI, Aktenstueck, Nr. 291, p. 1570.

neutral region. Any other islands within the designated area were also exempted if they were at this time under the protection or sovereignty of any other civilized power than Germany or Great Britain. Following the provisions of the treaty,<sup>118</sup> Great Britain took possession of the Kemadec Islands and Germany annexed the Marshall, Brown and Providence groups.<sup>119</sup>

While these events were taking place in the South Pacific, the United States was establishing its trade control in the North. In 1884 it concluded with Hawaii a supplementary convention<sup>120</sup> renewing for seven years the reciprocity treaty of 1875, which had made those islands commercially a part of what might be called an American tariff union and established Hawaii as the sugar plantation of the Pacific coast. Three years previous to the treaty renewal, an attempt of Great Britain to secure with the native government of Hawaii a convention granting to the Hindu coolie laborers the right of British consular jurisdiction in the Hawaiian Islands, met with determined opposition from the Government of the United States. In the negotiations concerning this subject the Secretary of State, Blaine, stated emphatically that the United States considered the Hawaiian Islands as "a member of the American system of states."<sup>121</sup> Having gained

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<sup>118</sup> V. R., 1885-'86, Anl. Vol. VI, Aktenstueck, Nr. 291, p. 1572. This agreement was complemented by a second providing for reciprocal freedom of trade and commerce in the German and British possessions and protectorates in the Western Pacific. All past land claims of the subjects of either nation when living in a protectorate of the other nation, were to be referred to a mixed German-British Commission. Both governments agreed not to establish any penal settlements in or transport convicts to the Western Pacific.

<sup>119</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 112 f.

<sup>120</sup> F. R., 1894, p. 170.

<sup>121</sup> F. R., 1881, p. 636 f.

No. 401. Mr. Blaine to Mr. Comly.

DEPARTMENT OF STATE,  
WASHINGTON, December 1, 1881.

"I have spoken of the Pacific Coast line given to the American Union by the cession of California in 1848, as little inferior in extent and superior in natural wealth, to the Atlantic sea-board of the original Union. Since that time our domain on the Pacific has been vastly increased by the purchase of Alaska. Taking San Francisco as the commercial center on the western slope, a line

a "legitimately dominant influence in the North Pacific," he declared, the United States would not allow that influence to be decreased by any hostile element. The Hawaiian Islands were so situated that they held strategic control of the North Pacific and therefore the possession of them became a question of policy strictly American. The Secretary outlined what he considered to be the commercial domain of the Western coast. It was included between a line drawn northwest from San Francisco to the Aleutian Islands and a line southwest from that city to Honolulu. The Hawaiian Islands, therefore, he considered to be the key to the maritime dominion of the Pacific states, just as Cuba was the key to the Gulf trade, and the extension of commercial empire westward from the Pacific states was as important to their development as would be their connection with the eastern seaboard by an isthmian canal.

From such evidence of a definitely formed Pacific policy on the

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drawn northwestwardly to the Aleutian group, marks our Pacific border almost to the confines of Asia. A corresponding line drawn southwestwardly from San Francisco to Honolulu marks the natural limit of the ocean belt within which our trade with the oriental countries must flow, and is, moreover, the direct line of communication between the United States and Australasia. Within this belt lies the commercial domain of our western coast.

I have had recent occasion to set forth the vitally integral importance of our Pacific possessions, in a circular letter addressed on the twenty-fourth of June last, to our representatives in Europe, touching the necessary guarantees of the proposed Panama Canal as a purely American waterway to be treated as part of our own coast line. The extension of commercial empire westward from those states is no less vitally important to their development than is their communication with the Eastern coast by the Isthmian channel. And when we survey the stupendous progress made by the western coast during the thirty years of its national life as a part of our dominion, its enormous increase of population, its vast resources of agriculture and mines, and its boundless enterprise it is not easy to set a limit to its commercial activity or foresee a check to its maritime supremacy in the waters of the Orient, so long as those waters afford, as now, a free and neutral scope for our Pacific trade.

In thirty years the United States has acquired a legitimately dominant influence in the North Pacific, which it can never consent to see decreased by the intrusion therein of any element of influence hostile to its own. The situation of the Hawaiian Islands, giving them the strategic control of the North Pacific, brings their possession within the range of questions of purely American policy, as much so as that of the Isthmus itself. Hence the necessity as recognized in our existing treaty relations, of drawing the ties of intimate relationship between us and the Hawaiian Islands so as to make them practically a part of the American system without derogation of their absolute independence."

JAMES G. BLAINE.



part of all three governments<sup>122</sup> it is clear that the Samoan Islands, being one of the few remaining unclaimed groups of importance in the Pacific, were bound to become the object of conflicting commercial and political aspirations, and the subject of considerable diplomatic controversy.

The events in the islands during 1885 and 1886 were such as to require adjustment by the home governments. The action of the German Consul, Dr. Stuebel, in hoisting the German flag over Apia was promptly disavowed by Bismarck,<sup>123</sup> who declared that the German Government was wholly ignorant of the action, had no intention of violating the agreement with the United States and England nor of establishing a protectorate over the islands, but on the contrary, would maintain that agreement and adhere to the *status quo*. In spite of this disavowal by the home government the German corporation, dominating the trade of the islands, continued its controversy with Malietoa and ordered the king to remove his seat of government from Mulinuu point, which Mr. Weber claimed to be land belonging to the German Company. On the king's refusal the German Consul, Dr. Stuebel, with an armed force from the German naval vessel "Albatross," proceeded to Mulinuu and removed the Samoan flag. Protests against this act were made by the American and British consuls and it was again disavowed<sup>124</sup> by the German Government, which gave assurance that it was without information on the matter, but that it would "maintain all previous agreements and would adhere to the *status quo*."<sup>125</sup> Meantime the former Vice-king, Tamasese, had

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<sup>122</sup> The views of the Reichstag at this time did not keep pace with the policy of colonization as outlined by the Chancellor. In considering the Imperial Budget for the year 1885-'86, the Reichstag twice voted down measures to increase the appropriation for government officials in the South Seas—even though it was declared by supporters of the measure that such failure to support the Government policy would seriously affect the negotiations then taking place in London on the subject of German and British colonization spheres. (See Reichstag discussion, V. R., 1885, Vol. I, pp. 395-405, 16. Dezember, 1884; and Vol. III, pp. 1539-1587, 4. Maerz, 1885.)

<sup>123</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 4.

<sup>124</sup> A. & P., 1889, LXXXVI (C-5629), p. II.

<sup>125</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 16. Mr. Pendleton, American Minister at Berlin, reported to Secretary Bayard an interview with

broken away from the government and, with the assistance of the German subjects in the islands, had become again a formidable rival of Malietoa and a new war was imminent. Malietoa now appealed to the American Consul for protection,<sup>126</sup> basing his plea on Article V of the Samoan-American treaty of 1878, which promised that in case of trouble between Samoa and another power, the United States would use its good offices to obtain settlement. Mr. Greenebaume without instructions accepted Malietoa's request and hoisted the American flag over that of Samoa at Apia. A protest was made by the German Consul and the act of its consul was in turn disavowed by the American Government.<sup>127</sup>

It was now realized that some definite plan should be agreed upon by the three governments for restoring order in the islands. Secretary Bayard suggested, therefore, that the German and British ministers at Washington be authorized to confer with him on the subject—that in the meantime three new consuls should be appointed and sent to Samoa, and a war vessel of each nation be maintained at the islands for two years. He also suggested that there should be a joint declaration made by the three Powers declaring against annexation or establishment of a protectorate by any of the three Powers.

The suggestion<sup>128</sup> resulted in the sending of three commissioners

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Count Herbert Bismarck concerning occurrences in Samoa. The latter stated to Mr. Pendleton:

"While, therefore, I can give you no information as to the facts, only conjectures, which may perhaps be entirely without foundation, I can say to you, as I said already a week ago to the British Ambassador, that, whatever may have occurred, we intend to maintain the status as it has heretofore existed. We have been satisfied with that; it has been satisfactory to the three Governments; we have neither interest nor desire to change it; but if we had, we would take no step, make no movement, without frankly consulting in advance the United States and Great Britain. If any wrong has been done it shall be righted, and reparation shall be made; and nothing shall be allowed to change the relative positions of these governments."

<sup>126</sup> *Ibid.*, pp. 25 and 26.

<sup>127</sup> *Ibid.*, p. 19.

<sup>128</sup> A. & P., 1889, LXXXVI (C-5629), p. 18 ff. Two months before Secretary Bayard made his suggestion that the three powers hold a conference on the Samoan question, Germany and Great Britain at the invitation of the Earl of Rosebery had already made arrangements for an Anglo-German

to the islands to report to their home governments the actual conditions there, preparatory to a conference of the three governments on plans for the administration of Samoa. The basis of this inquiry as set forth by Secretary Bayard<sup>129</sup> was to be "a thorough examination into the condition of the group and the causes of the recent disorders and discontent there, with a view to finding a permanent remedy; a report to be drawn up by each commissioner for his respective government; and a status of neutrality to be maintained by the joint counsel and influence of the three Powers, excluding annexation or predominance by any one power, and promoting the autonomy and peaceful government of the group by the native authority." The inquiry, according to Secretary Bayard's view, was to be conducted jointly. The British Government accepted this basis unqualifiedly,<sup>130</sup> the German Government "agreed generally," but did not approve of providing the commissioners with joint instructions. Also it did not contemplate that the three commissioners should hold joint sittings and furnish a joint report, but, on the contrary, that each should examine the situation for himself and report separately to his own government. The German commissioner was, however, instructed to communicate freely and frankly with the other commissioners. It was arranged that all three consuls should

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inquiry into conditions in Samoa. At Bismarck's suggestion the Commissioners selected for the enterprise were Mr. John B. Thurston, British High Commissioner of the Western Pacific, and Mr. Travers, His Imperial Majesty's Consul-General in Australia. When the invitation came from the United States it was decided to adhere to the proposed inquiry by Commissioners already selected and to invite the American Government to send a Commissioner also. Count Hatzfeldt in agreeing to this suggested to the Earl of Rosebery that it would be "desirable that Messrs. Thurston and Travers should exchange views confidentially, with regard to their course in the matter" (Ibid., p. 27).

<sup>129</sup> Ibid., p. 35, No. 49.

<sup>130</sup> Ibid., pp. 36 and 37, also p. 39, No. 58. For instructions on this basis to the British Consul see Ibid., p. 41. The American Commissioner Mr. Bates, of Delaware, was selected by Secretary Bayard because his personal acquaintance with the man enabled the Secretary to place implicit confidence in him. Mr. Bates had never taken any public part in politics in the United States nor had he held any diplomatic or consular post.

leave Samoa<sup>131</sup> after the arrival of the commissioners.<sup>132</sup> Mr. Bates, the American commissioner, was authorized to disavow<sup>133</sup> the action of Consul Greenebaume in assuming a protectorate over Samoa, and Secretary Bayard set forth in his instructions that the Government of the United States was unwilling to

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<sup>131</sup> Ibid., p. 44 ff. Inclosure in No. 76. Extract from the *New York Herald* of August 20, 1886. Our Representative in Samoa. Consul Greenebaum's Explanation not satisfactory. (From our Regular Correspondent.)

WASHINGTON, August 19, 1886.

"A few weeks ago Mr. Bates, of Wilmington, Delaware, was appointed by Secretary Bayard as a Special Agent of the State Department to proceed to the Samoan Islands and endeavor to restore the character of the Consulate to its former position of neutral relations with the Samoan Chiefs. Yesterday Mr. Greenebaum, of San Francisco, who has been the consul there for some time, arrived in Washington as it appears, under the orders of the State Department, to explain, if possible, the allegations made against him of having ignored his instructions not to take part in any local strife which was known to exist among the hostile chiefs on that island. He left today for San Francisco, and will not, it is said, return to Samoa, his explanation not being satisfactory to the Secretary. It is alleged that, almost immediately upon arriving at Samoa, he began to take sides with one of the factions, and carried his interference so far as to provoke the opposition of the consuls of other nations. He will be permitted to resign and his resignation is expected to be forwarded on his arrival in San Francisco."

Mr. Bayard later told the British Ambassador that Mr. Greenebaum had not been dismissed but that his commission had expired and the President had not seen fit to renew it (Ibid., p. 47). F. R., 1886, p. ix. President Cleveland stated in his Message to Congress, December 6, 1886:

"Civil perturbations in the Samoan Islands have, during the past few years been a source of considerable embarrassment to the three governments, Germany, Great Britain, and the United States, whose relations and extra-territorial rights in that important group are guaranteed by treaties. The weakness of the native administration and the conflict of opposing interests in the islands have led King Malietoa to seek alliance or protection in some one quarter regardless of the distinct engagements whereby no one of the three treaty powers may acquire any paramount or exclusive interest. In May last Malietoa offered to place Samoa under the protection of the United States, and the late Consul without authority assumed to grant it. The proceeding was promptly disavowed and the overzealous official recalled. Special agents of the three governments have been deputed to examine the situation in the Islands. With a change in the representatives of all three powers, and a harmonious understanding between them, the peace prosperity, autonomous administration, and neutrality of Samoa can hardly fail to be secured."

<sup>132</sup> A. & P., 1889, LXXXVI (C-5629), p. 104, No. 97. The American and German Consuls left the islands before the arrival of the American and British Commissioners. The fact was deprecated by Mr. Thurston, British Commissioner because it gave no opportunity of acquiring direct information from Mr. Greenebaum and Dr. Stuebel whom Mr. Thurston considered to be almost entirely responsible for the recent state of affairs in Samoa.

<sup>133</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 31.



assume such a protectorate "either for itself alone or under any joint arrangement whereby the native authority of Samoa would be replaced by a permanent tripartite government of the powers." He admitted that it would probably be necessary temporarily to undertake some joint arrangement to preserve order, for which the continued presence at Apia of a naval vessel of each of the powers in turn would suffice. In respect to the foreign interests throughout the whole group of islands, the secretary considered that the municipal arrangement at Apia, by which the presidency of the board was held in turn by each of the three consuls, might constitute the best solution for the administration of the islands. Beyond this no one of the powers should have "the slightest concern in the personality at the head of the Samoan native government."

The three commissioners soon found important differences in their understanding of their instructions.<sup>134</sup> Mr. Thurston and Mr.

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<sup>134</sup> Ibid., p. 139 (Appendix A).

"Mr. Thurston's stay in Samoa was of less than two weeks' duration. As his position in Fiji is such that under the consular system of his Government the correspondence of the Apia consulate had passed under his eye, he was doubtless familiar with the general course of events in Samoa, and felt it unnecessary to spend more time there. Nevertheless I regretted very much his early departure. There were some points on which further and frequent conferences between Mr. Travers and myself led often to modification and, in some instances, coincidence of views. I am convinced also that Mr. Travers' views upon which our original difference rested did undergo considerable change. Toward the end of my stay he discussed with me the possible details of a native Government to an extent necessarily involving the idea of autonomy, which at first he considered impracticable. It was, it is true, such a government as would depend for its inspiration and strength upon the presence in it of white men.

Mr. Travers also modified his previously expressed view by assenting that our conferences and expressions of views to each other might be communicated to our respective Governments. This permission, however, was of less value, since these conferences were under his determination, mere informal conversations; and any view which he expressed to me he did not feel bound to adhere to, but considered them liable to change on further reflection.

Before leaving this subject, I desire to express the satisfaction which I derived from my intercourse with both of the commissioners. I was deeply impressed with the ability and fidelity with which these gentlemen approached the consideration of the subject referred to us. Our relations were of the most agreeable character, and resulted in sentiments of respect and friendly regard on my part which I am glad to believe were reciprocated. With the exception of Mr. Thurston's brief sojourn at Apia, and the difficulty experienced by Mr. Travers, under his instructions, of fully coinciding with our views as to the investigation, I could have desired nothing more with respect to either of them."

Bates considered that their very presence there simultaneously implied that their investigations were to be undertaken jointly even though their reports were to be separate. Mr. Travers, however, considered that their investigations also were to be entirely independent and that they had no official relations with each other. The British and American commissioners also considered that they were there to plan the establishment of an autonomous native government to be supported by the joint influence of the three powers; the German commissioner did not state his instructions in this regard, but was emphatic in declaring his own view that "no autonomous native government was at all practicable." Mr. Bates relates, however, that during their stay on the islands and as a result of frequent conference the German commissioner considerably modified his views.

Each commissioner presented to his home government a plan of his own for the administration of Samoa. The German Commissioner, Mr. Travers, framed his plan<sup>135</sup> on the principle that the government of the country must be "placed in the hands of but *one* of the treaty powers, by the consent of the others." In view of the predominance of German interests, of the service rendered by Germany in developing the islands and of the fact that German subjects paid half of the taxes in Samoa, the control of the country belonged properly to Germany. He therefore drew up a plan placing the administration of the islands in the hands of a chief officer or administrator to be appointed by the German Government. His three chief assistants, a chief justice, director of finance and a judge of first instance, were also to be appointed by the German Government. The duties of the native king were to be purely representative and the native assembly was to be permitted to meet for public discussion of matters of general interest according to old Samoan custom, but it was not to have a deciding vote, and its resolutions were to receive such consideration as might be practicable. The Municipal Council was to be abolished. Mr. Travers's plan was in brief that of placing Samoa under Germany as a mandatory, but he considered that such a plan would not

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<sup>135</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 263 ff.

"exclude either the English or the American Governments from active participation in the remodeling of the political affairs of Samoa or from a decisive influence in the subsequent control of the Government itself."

The British Commissioner, Mr. Thurston, considered<sup>136</sup> that although the interests of Europeans in Samoa could not as yet be entrusted to a native government, that "an earnest attempt to establish the present native government on an improved footing was at least worthy of trial." Such a government, however, would require the active participation of representatives of the three powers, and Mr. Thurston elaborated a plan for an administration by a council consisting of a king, a vice-king, chiefs from several districts, and three foreign officials to be appointed, respectively, by Great Britain, Germany and the United States. These officials were also to have seats in the lower house, or legislative body. The Municipal Council was to be retained and to consist of nine members, of whom the consuls of the Treaty Powers were each to appoint three. In general the right of foreign subjects to jurisdiction of their own consuls was to be continued. Mr. Thurston's plan<sup>137</sup> thus maintained the idea of equality of representation of the

<sup>136</sup> A. & P., 1889, LXXXVI (C-5629), p. 74, also p. 102.

<sup>137</sup> *Ibid.*, p. 75. (Mr. Thurston's Report.)

"224. In closing this Report I cannot but express regret that the recommendations I have the honor of submitting for the consideration of Her Majesty's Government should not have met with the concurrence of the German Commissioner.

225. The task of devising a scheme of government for a native community, distracted by internal jealousies, and bewildered by foreign influences and intervention of long duration, could not at the outset promise any higher degree of success.

226. But the difficulties inseparable from such a problem were not lessened when, of the three Commissioners appointed to visit Samoa and report to their respective Governments upon its conditions and requirements, one was indisposed to join in a task he regarded as futile, and, moreover, not within the scope of his instructions; and another, though approaching the subject with a lively and earnest interest, was unable to make any substantive proposals owing to inexperience of native character and capabilities.

227. With the assistance of three foreign members of Government and a Magistrate, for whose services the revenue of the native Government should without difficulty be able to pay, I think it possible that a native Government might in time be established on a satisfactory footing.

228. It would, however, be necessary for the Powers interested in Samoa to continue an executive support to the native Government through their naval authorities, for in the beginning every Chief who fancied himself slighted would proclaim that he had 'left the king' and then proceed to hoist a flag of his own."

powers in Samoa—it also gave more semblance of autonomy to the native government, but it was semblance merely, as the presence of three foreigners with voting power, in the highest executive council of the country was hardly compatible with the idea of an independent government. Moreover, Mr. Thurston stated emphatically<sup>138</sup> that without assistance the natives of Polynesia were “neither capable of forming nor maintaining any form of government worthy of the name.”

Mr. Bates, the American Commissioner, feeling bound by his instructions to frame some scheme for triangular control of the native government, drew up a plan not<sup>139</sup> unlike that of Mr. Thurston in that it established a nominee of each of the three powers as member of a council which was to constitute the real executive power in the islands. The foreign officers were also to have a voice in the lower legislative body. Unlike Mr. Thurston, Mr. Bates considered it better to abolish the present municipal government of Apia. Mr. Bates, however, felt considerably restricted by his instructions and expressed his conviction that the extent of intervention on the part of the powers must be more systematic and comprehensive than seemed to have been contemplated by his instructions, which looked toward the establishment of a native government of some force with oversight rather than administration by the three powers. Mr. Bates, however, realized that the real function of the powers would necessarily be that of actual administration of the government of Samoa. Moreover, Mr. Bates, having obeyed his instructions and outlined his plan for participation of the three governments, proceeded to confess his lack of faith in the plan. He stated that he shared Mr. Travers’ apprehension of the dangers of tripartite control, that it would create constant international dissensions, as was evidenced by the failure of the former attempt at government by the three consuls. He therefore agreed with the German Commissioner that administration by one power would be the best plan, but disagreed with him in concluding that that power should be Ger-

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<sup>138</sup> *Ibid.*, p. 68.

<sup>139</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 186 ff.



many. The concentration of German interests almost entirely in one company made it possible for that firm to dominate German local officials in Samoa and sway measures to their own interest. Then, too, the use of the German language in the Government would make it very difficult for the British and American residents who did not understand German, whereas most of the Germans understood English, which would therefore not create the same hardship. Moreover, if it were true, as Mr. Travers emphasized and Mr. Thurston questioned, that German interests so greatly predominated in the islands, that, according to Mr. Bates, was an additional reason why Germany should not be allowed to control the government. Moreover there were also reasons in the American Commissioner's opinion why this control should not be given over to Great Britain. Chief among these was that Great Britain, like Germany, was pursuing a policy of annexation in the South Pacific; therefore, even under the most guarded treaty, the United States should not allow the absolute control of the Samoan Government to pass into the hands of either of these powers. The final conclusion therefore of Mr. Bates was that the only real solution of the problem lay in assigning the administration of the islands to the United States. The recognized absence of any disposition on the part of the American Government to acquire territory in that region, and its national policy of abstaining from intervention he considered to be reasons justifying the choice of the United States for that function, a choice which he believed would best satisfy the native population.

While the three governments were thus equipping themselves with information on Samoa and otherwise preparing for the conference in Washington, which should solve the Samoan problem, events were taking place on the islands which were destined to affect the coming negotiations directly and indirectly. Malietoa was still the recognized native king, but the revolutionary forces under the rival chief, Tamasese, the former vice-king, were gaining in strength through the assistance, as was declared by Malietoa, of the Germans,<sup>140</sup> especially Mr. Weber, director of the great

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<sup>140</sup> Ibid., p. 24. Report of Commander B. F. Day, U.S.S. Mohican, May 28, 1886, also p. 48 and p. 229.

German company. There appeared also at this time as assistant or advisor to the rebel chief Tamasese, a certain Captain Brandeis,<sup>141</sup> former Captain of Bavarian artillery, who was reported to be lately connected with the German consulate and to be now giving military instruction to the insurgents. To Malietoa's protest against the activities of Brandeis, the new German Consul replied that Captain Brandeis had no appointment of a military character, but was, as a private individual, peaceably assisting the government of Leulumoega (*i. e.*, the Tamasese government), and the Consul trusted that his labors would be for the blessing of Samoa.<sup>142</sup>

<sup>141</sup> R. L. S., p. 410. (Letters and Miscellanies of R. L. S., Vol. XIX.)

<sup>142</sup> A. & P., 1889, LXXXVI (C-5629), p. 119.

M. Becker to the King of Samoa.

GERMAN CONSULATE, APIA, February 10, 1887.

(Translation by source.)

"YOUR MAJESTY:

I am in receipt of the letter stamped with your Government seal, dated the 31st January, from Mr. William Coe, complaining about Brandeis, a German gentleman gone to Leulumoega in a military character, now in seditious relations to the Samoan Government, and attempting insurrections, requesting me to do something to Brandeis.

The contents of a letter delivered to you on the 12th November, 1886, I have informed Your Majesty that my Government has instructed me that when I assumed my duties in the German Consulate to write similar letters to Tuiaana Tamasese, the same as to you.

Be it well known by your Majesty in relation to the above letter, that the Government of the Emperor of Germany is in friendly relations with the Leulumoega Government as it is with your Government. The letter with the seal sent to the German Consulate greatly surprises me in calling the Government of Leulumoega 'rebels.' In the future, I therefore request your Majesty to prohibit Mr. William Coe to say no more bad words like that; for again if he says any more bad words like that in the future, it will be my duty to inform my Government, and the letters which you will receive from my Government, you will not like their contents.

I assure you that I have nothing to do with the gentleman Brandeis, for I am not instructed by the German laws to prohibit any German gentleman coming here on his own business, and find an appointment among some gentlemen who are in friendly relations with the German Government.

I have therefore to inform your Majesty that I will always be ready to attend to those subjects that you may write to me upon. I shall at once dispatch the Vice-consul to Leulumoega to get information in relation to the doings of the gentleman Brandeis; should he find the work of the above gentleman unsatisfactory, then shall the Vice-consul speak to him.

Again, be it well known that the gentleman Brandeis has no appointment in a military character, but resides peaceably assisting the Government of Leulumoega in their work, for Brandeis is a quiet sensible gentleman, and I trust his labor at Leulumoega will do a great deal of good for the blessings of Samoa, and remain in peace

May you live,

I am, &c.,

(Signed) BECKER, German Consul.

In installing the new consul, the German Government gave him instructions to write similar letters to Malietoa and Tamasese. To this equal recognition of both and to the reports of the activities of Brandeis, Secretary Bayard made vigorous protest,<sup>143</sup> and received the reply that the German Government was not aware of Mr. Brandeis's relations with the German consulate or with Tamasese and had received no information from Malietoa concerning his activities.<sup>144</sup> As to the chief Tamasese, however, the

<sup>143</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 43.

No. 36. Mr. Bayard to Mr. von Alvensleben.

DEPARTMENT OF STATE,  
WASHINGTON, March 2, 1887.

"SIR:

It is proper I should acquaint you with the purport of a dispatch just received at the Department and dated January 31, 1887, from the American Vice-consul at Apia. It is stated in substance that a Mr. Brandeis, lately connected with the German consulate at Apia, has been sent under pay and with the title of General to give military instruction to Tamasese in promotion of his rebellion against the Government of Malietoa. The Vice-consul further states that this action has been made the subject of earnest remonstrance by Malietoa to the Imperial Government.

I trust that the just and benevolent plan of coöperation by the three powers will not be allowed to be impeded by any such inconsistent and maleficent action as has been so reported, and if any such steps have been taken that your Government will promptly check such actions by its officials, or under color of their approval.

Accept Sir, &c.,

T. F. BAYARD."

<sup>144</sup> Ibid., p. 50.

No. 39. Mr. von Alvensleben to Mr. Bayard.

(Translation by source.)

IMPERIAL GERMAN LEGATION,  
WASHINGTON, April 11th, 1887.  
(Received April 15.)

"The undersigned Imperial German Envoy Extraordinary and Minister Plenipotentiary has brought the polite note of the Hon. Thomas F. Bayard, Secretary of State of the United States, bearing the date of March 2, 1887, and relating to Samoa, to the notice of his high Government, and has been authorized to make the following reply thereto:

The Imperial Government is not aware that a certain Mr. Brandeis at Apia sustains or has sustained relations with the German consulate at that place, or that he has become associated with Chief Tamasese. The Imperial Government, moreover, has received no information concerning any representation made by Chief Malietoa on account of what has been done by Mr. Brandeis.

The reference made in the note of the honorable Mr. Bayard to a rebellion of Tamasese against Malietoa's Government furnishes occasion for the remark that a formal agreement was signed at the instance and in the presence of the German, American and British consuls, on the 8th of June last, on board

German Government replied that the strength of his support in Samoa warranted its recognition of his government as of equal status with that of Malietoa and that that recognition had practically been accorded him by the American and British Consuls the preceding June when they had influenced Tamasese and Malietoa to come on board the U. S. S. "Mohican" and sign a formal agreement of peace and friendship. Yet it agreed that the question of sovereignty in Samoa should be reserved for the coming conference to decide and that in the meantime there was no occasion for any one of the powers to interfere in Samoan party questions.<sup>145</sup> It was agreed upon by all three powers that their consuls on the islands should be instructed to maintain the *status quo* during the sessions of the conference.

A movement from another quarter at this juncture complicated the situation on the islands. King Kalakaua, of Hawaii, sponta-

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of the U.S.S. "Mohican," by the representatives of the opposing parties in Samoa, viz., that of Malietoa and that of Tamasese to the effect that both parties should thenceforth live on terms of friendship with each other. The *de facto* existence and the equality of Tamasese's party was consequently considered, both by the native and the foreign population of the Samoan Islands, as having been recognized, so that the term "rebellion" does seem appropriate in the case to either party. It appears, however, from a tabular statement prepared by Mr. Travers, the Imperial Consul General, while he was in Samoa that Tamasese's adherents are, at the present time, nearly four times as numerous as those of Malietoa.

The Imperial Government shares the view that all propositions looking to a settlement of the question of sovereignty in Samoa should be reserved for the consideration of the conference of the three treaty powers which is to meet at Washington, and that there is no occasion for any one of the treaty powers to interfere, without the coöperation of the others, in existing party questions.

The undersigned avails, etc.,  
H. V. ALVENSLEBEN."

(See also A. & P., 1889, LXXXVI (C-5629), p. 115 f.)

<sup>145</sup> A. & P., 1889, LXXXVI (C-5629), p. 134.

No. 133. Count Hatzfeldt to the Marquis of Salisbury. (Translation by source.)

GERMAN EMBASSY, June 20, 1887.

"The Imperial Government, who are equally desirous with Her Majesty's Government to preserve the *status quo* in Samoa, will, accordingly, again instruct their consul at Apia in the sense desired by Lord Salisbury and they hope that analogous instructions will be sent to the British Representative."

(See also House Ex. Doc. No. 238, 50th Cong., 1st Sess., pp. 56 and 57.)



neously outfitted and sent an expedition of his own to Samoa,<sup>146</sup> seeking to form with King Malietoa an alliance which should be the starting-point of a confederation of the still independent Polynesian communities and should assist in establishing their permanent autonomy. The mission, headed by a Mr. John E. Bush, a half-caste Hawaiian, former member of the Hawaiian cabinet, was received with much cordiality and display by King Malietoa, and preparations were made for maintaining permanent relations between the two island monarchs. In presenting plans for establishing definite treaty relations with Samoa, Mr. Bush stated to King Malietoa that he "believed the British Government to be aware of his mission, and that he had the support of the United States." The Convention was thereafter signed and ratified by the two kings,<sup>147</sup> binding each other "to enter into a political confederation" and to conform to such measures as might be agreed upon to carry such a confederation into effect. Shortly after this Mr. Carter, the Hawaiian minister at Washington, requested to be allowed to represent the interests of Samoa as well as those of his own country,<sup>148</sup> and presented proper credentials from King Malietoa for this purpose. Previous to this the Hawaiian Government, anxious to pursue a<sup>149</sup> policy in accord with that of the United States, had appointed as its Vice-Consul at Apia, Mr. Greenebaume, the former American Consul, who had returned to the islands privately after his former commission expired, and whom the Hawaiian Government believed to be still the American consular representative there. All of these events worked together to create the impression in the minds of the German representatives that the Hawaiian mission had behind it the support, or at least the approval, of the United States.<sup>150</sup> At the request of the German Government the British minister

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<sup>146</sup> House Ex. Doc. 238, 50th Cong., 1st Sess., p. 39 ff., also A. and P., 1889, LXXXVI (C-5629), p. 117 ff.

<sup>147</sup> A. & P., 1889, LXXXVI (C-5629), p. 125.

<sup>148</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 40 f.

<sup>149</sup> Ibid., p. 38. Secretary Bayard assured the Hawaiian Government that Mr. Greenebaum was no longer in the service of the United States and Malietoa refused to receive him as the Hawaiian Vice-consul.

<sup>150</sup> A. & P., 1889, LXXXVI (C-5629), p. 126.

at Washington was directed to unite with his German colleague, requesting the United States to join with Great Britain and Germany in opposing the action of Hawaii in Samoa. The apprehension in regard to the United States' policy on this subject was relieved by Secretary Bayard, who showed that he had been consistently opposing the Hawaiian interference all along.<sup>151</sup> He had told Mr. Carter, the Hawaiian minister, that the President was not prepared to receive him as the accredited representative of the King of Samoa and urged him to prevent King Kalakaua from intervening in Samoan affairs, a course which he asserted would be injudicious and involve Hawaii in questions whose origin was beyond Hawaiian control.<sup>152</sup> As a result of the opposition encountered, King Kalakaua recalled unconditionally his mission to Samoa and thus terminated the Hawaiian-Polynesian policy.

Such was in general the situation in the islands when the representatives of the three powers entered into formal conference on the subject in Washington in the summer of 1887. The British and German ministers, Sir Lionel Sackville-West and Baron von Alvensleben, represented their respective countries in a series of conferences with Mr. Bayard, Secretary of State, as the representative of the United States.<sup>153</sup> At the first meeting of the Conference, each representative read a memorandum<sup>154</sup> presenting the

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<sup>151</sup> A. & P.; 1889, LXXXVI (C-5629), p. 135.

<sup>152</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., pp. 51 to 54, inclusive.

<sup>153</sup> The Protocols of the six conferences held were, by agreement, kept confidential for two years and finally published in February, 1889 (Sen. Ex. Doc. No. 102, 50th Cong., 2nd Sess.), after a resolution passed by the House of Representatives requested their transmission, if not incompatible with the public interest. (House Misc. Doc. No. 108, 50th Cong., 2nd Sess.) The Secretary of State had previously requested the British and German Governments for permission to publish the protocols but the permission had been refused.

<sup>154</sup> Secretary Bayard's plan had been previously submitted to the two ministers and was embodied in the protocol as if read at the conference. He suggested that the plans of the other two representatives be handed to him in the same way. Mr. von Alvensleben, however, objected, stating that his Government had sent him general instructions before knowing Mr. Bayard's suggestions, that "those instructions, therefore, did not cover all the different points suggested," that he would read his memorandum but could not

plan of his government for the administration of Samoa. The plan presented by Secretary Bayard proceeded from the basis of the independence and autonomy of the island kingdom "free from the control or preponderating influence of any foreign Government." His arrangement therefore placed the executive power in Samoa in the hands of a mixed council of Samcans and foreign representatives. There should be a king and a vice-king, Malietoa and Tamasese to be recognized in these offices (as heretofore), and these, together with chiefs from several districts and a minister from each of the Treaty powers should constitute the executive body of the government. The three ministers mentioned were to be appointed by the king upon nomination by the powers and were to have seats also in the lower legislative body of the government. Another essential feature of the plan was the organization of a land commission before whom all claims of title to land were to be presented and whose decision was to be final. This land commission was to consist of five members appointed by the King, three of these to be nominated, one each, by the treaty powers, and the remaining two to be chosen by the king. In general Bayard's plan, except for the establishment of the Land Commission, offered little that was new in principle from the system attempted in 1879, when a representative of each power was made an official of the Samoan Government.<sup>155</sup>

Mr. von Alvensleben then presented the plan of Germany,<sup>156</sup> whose view as stated in the preamble was also based on the understanding "that the independence of Samoa under a native government was to be maintained, and that no monopolies should be created there by any foreign power." His first stipulation was for a new election in Samoa. Claiming that Malietoa had notoriously violated his treaties with Germany, and that "a completely organized counter-government" had been formed under Tamasese,

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give it out of his hand. The British Minister also declined to give a copy of the memorandum he had prepared. Both agreed, however, that stenographic accounts of their statements as read should be embodied in the protocols of the conference. (Sen. Ex. Doc. No. 102, 50th Cong., 2nd Sess., p. 5.)

<sup>155</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 208.

<sup>156</sup> Sen. Ex. Doc. No. 102, 50th Cong., 2nd Sess., p. 7.

von Alvensleben asserted that a new election of king would have to take place "according to the customs of the country"—this election to be "freely made by the chiefs and people of Samoa." After this election purely Samoan affairs were to be conducted as hitherto by the king and his native consul whose powers were to be defined by special agreement. The significant element of the German plan, however, lay in the arrangement for the exercise of control of this native government by *one* of the treaty powers. This was to be secured through an official called "adviser to the king," who should act as the mandatory of the three treaty powers and have control over all measures concerning public order and the security of the property of foreign residents. This adviser or prime minister, was "to be nominated by the treaty power having for the time being the preponderating interests in Samoa," but his nomination should have the approval of the other two powers. The first adviser so appointed was to serve for five years, when there should be a new appointment made upon the same conditions. As the German interests in Samoa outweighed at present those of the other two powers, the first "adviser to the king" should be nominated by Germany. In order, however, to avoid any misapprehension which might arise because of this placing of the representative of one of the powers in the most prominent position of the Samoan Government, it was recommended that the equality of treatment to be accorded still to all of the treaty powers be acknowledged by some new formal declaration to that effect.

The plan of the British representative<sup>157</sup> coincided in its main features with that of Germany. Sir Lionel West also asserted in behalf of his government that it was understood that no one of the three powers desired to found a colony in the islands, to obtain a commercial monopoly or to destroy the independence of Samoa. As a result of the investigations of the three commissioners, however, it was evident that the intervention of the three powers would have to take the form of actual administration, and it was

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<sup>157</sup> Sen. Ex. Doc. No. 102, 50th Cong., 2nd Sess., pp. 8 and 9.



also evident from the reports of the commissioners that the tripartite control, such as had existed to greater or less degree hitherto was impracticable. The solution, therefore, seemed to lie in the alternate control of the islands for a limited period by one of the three nations. In the choice of which power should first act as mandatory, Her Majesty's Government considered "that preponderating commercial interests should be taken into consideration." Moreover, since Mr. Thurston, Mr. Travers and Mr. Bates all agreed that this preponderance was possessed by Germany, Her Majesty's Government was ready "to consent to the mandatory power being exercised by the German representative for the first term of five years," absolute equality of treatment in commerce and all other matters being secured to the three powers. Sir Lionel also presented a plan for the establishment of an international Land Court to dispose of claims of title to land in Samoa, which claims were to be first investigated by a land commission. In respect to the matter of kingship, it was evident that although Malietoa had long been recognized by the powers and Tamasese denied that recognition, nevertheless, the situation was now such that a new election was imperative. In case of such an election, Her Majesty's Government expressed no opinion, either favorable or adverse, to Malietoa.

It is thus evident that the British and German policies were in accord in the most important feature, namely, the administration of the islands by one power, and that power—because of preponderance of commercial interests—Germany. Secretary Bayard's policy involved the opposite principle, namely, the constant equal participation of the three powers in the administration of the islands and also the reducing of that participation to a minimum in order to give as much opportunity as possible for native independence.

In opposing the idea that "preponderating commercial interests" should serve as a basis for any plan for governing Samoa, Secretary Bayard pointed out that the chief importance of the islands lay in their geographic position, directly in the path of a Pacific commerce just being developed. The recent developments of the American Northwest and the plans for the isthmian canal all gave a new

importance to these islands from the viewpoint of the United States. Moreover, the European nations, Great Britain, Germany, France and Spain had already absorbed nearly all the important island groups in Polynesia, whereas the United States, with its long Pacific coast-line, had not secured a foot of territory in that region. There was therefore something in question beyond the value of land and products and for this reason the United States wished to secure this group of islands for the "common use of nations." Von Alvensleben and Sir Lionel contended that the mandatory plan in no way contradicted this idea. But Secretary Bayard pointed out that the German minister had stated in his memorandum<sup>158</sup> that,

"It cannot be expected that she (Germany) should consent to remain more or less excluded from the efficient control of the country, and have it pass to one of the two powers who have less interests."

Here Secretary Bayard showed was a "clear proposition of inequality."

"If Germany could not be expected to consent to remain more or less excluded, how could she expect another power to remain so? There was upon the very proposition of exclusion the mark of inequality which is in contradiction to the idea with which the conference began."

The British representative then replied that the mandatory plan itself was not based on the principle of preponderating interests, but was conceived of as the best means of securing a stable government in the islands, the tripartite control having proved a failure as was testified to by all three commissioners after their investigations in the islands. Her Majesty's Government was willing, "seeing the great interest Germany has in Samoa, to accord to the German representative the first term of five years as mandatory of the other two powers," and did not see that any exclusive con-

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<sup>158</sup> Sen. Ex. Doc. No. 102, 50th Cong., 2nd Sess., pp. 12 ff. and 38 ff.

trol was involved in the arrangement, as the mandatory power could only be exercised with the consent of the other two powers, so that it seemed a matter of small importance which power should be the first to exercise it.

The problem of a method of adjusting conflicting land-claims was also discussed at length in the conferences but, as the organizations proposed for this purpose took their character from the general plan of government, the national policies conflicted on this subject also.

Finally, considering that there was no hope of agreement, because as he viewed it, the German plan, acquiesced in by Great Britain, made the preponderance of interests and consequent inequality of influence "the actual basis and controlling principle of the whole scheme of government," Secretary Bayard proposed that the conference adjourn until autumn, in order that the German and British ministers might submit the protocols of the conference to their respective governments and receive from them "instructions of a more definite character."

The conference was therefore adjourned without result except to show the differences of principle actuating the policies of the three powers. With Germany and Great Britain the principle was the natural outgrowth of a colonial policy of extending the protection of the State over commercial developments once definitely established in regions unclaimed by any civilized power. Bismarck had stated definitely in<sup>159</sup> 1884:

"We intend, moreover, as in West Africa, so also in the South Seas to place under the direct protection of the Empire those regions which, through the predominating extension of German trade or in consequence of the preparations for this, seem fitted for it."

Secretary Bayard's stand was more of a defense against a feared aggression in a region which he held to be important to the United States by reason of its geographic position. His method was

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<sup>159</sup> V. R., 1885, Anl. Vol. VI, Aktenstueck, Nr. 167, p. 718. (Author's translation.)

therefore to insist on a maximum of autonomy for Samoa. In pursuing this line of policy he was forced to ignore and act in contradiction to the advice of the American Commissioner, Mr. Bates, who had, from his experience on the islands, come to the conclusion that a strictly independent native government was an impossibility and a tripartite government impracticable. Mr. Bates even considered that the United States' policy in the Samoan question should be governed by the Monroe Doctrine which, as originally stated, applied not merely to the continent but to the whole Western Hemisphere, and therefore included nearly all of Polynesia. Secretary Bayard was also forced to take the seemingly inconsistent stand of checking the Hawaiian movements.<sup>160</sup> If the United States stood for the independence of the small native

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<sup>160</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., pp. 52, 54 and 60; also pp. 101 to 105 inclusive. For Mr. Bates' application of the Monroe Doctrine to Polynesia, see F. R., 1889, p. 276 f.

(Extract from Mr. Bates' Report)

"American Intervention in the Pacific.

"To return to the subject of sole control. Whether our Government would be willing to undertake it, even with the consent of the other powers, is a question which, of course, I cannot determine.

I do not believe that a vigorous and decided interest in the welfare of these native communities would be in opposition to the declared policy of our Government, but that it would fall within the limits of exceptions, not only well defined, but which have been enumerated and adhered to by successive officers in charge of our foreign affairs, of all parties.

.....  
The enunciation of the Monroe Doctrine first qualified the general policy of non-intervention and prescribed the limits to which it was to be thereafter confined. This public notice to the world that we would not submit to an extension of the European system to this hemisphere, or to the establishment upon it of European colonies in addition to those then existing, was put upon the express ground that we should regard such action as dangerous to our peace and safety.

The true limitation, therefore, of the doctrine of non-intervention with the operations of any European powers was thus stated. It was that such action should not be permitted as might be considered by us dangerous to our peace and safety.

It would be impossible, in view of the marvelous growth of the United States in population and its resources, and the extension of its territory, both by acquisition and settlement, that the limitation by President Monroe should at all periods of our history be geographically the same.

Although perhaps there exists—at least to some extent—a popular impression that the Monroe Doctrine was intended to apply to acquisitions by foreign powers upon this continent, neither the terms in which the doctrine was originally stated nor the action of our Government since, will be found to justify any such conclusion. A very early application of the spirit of this doctrine to a country not embraced in the continent will be found in our diplomatic correspondence respecting Cuba; and while the United States have



governments in the Pacific, it would be expected to encourage the enterprise of one of the strongest native kings in his attempt to confederate with and strengthen the other Polynesian monarchs as against encroachments of all foreigners. The Secretary evidently feared, however, that such a movement on the part of Hawaii, which was so closely bound economically by treaty to the United States, would be misinterpreted and cause the colonizing powers to seek more definite control over Samoa.

The two years following the Washington conference represent the period of greatest tension between the three governments in reference to the Samoan question. Bismarck agreed<sup>161</sup> nominally

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refused to interfere with the possession of that island by Spain, it was declared more than sixty years ago by Mr. Clay, and has been repeated in substance many times since, that we would not consent to the occupation of Cuba and Porto Rico by any other European power.

So in the Pacific. As the extension of our commerce and the settlement of our Pacific coast made it apparent that the possession by a European power of the Sandwich Islands would be dangerous to our peace and safety—indeed, more so than would be true as to the South American Republics—our Government has not hesitated to declare that their conquest or occupation by one of the great powers of Europe would be a result which we would not hesitate to prevent by force of arms if necessary. This statement has been repeated substantially though in different terms, by Mr. Webster, Mr. Legare, Mr. Clayton, Mr. Marcy, Mr. Fish, Mr. Blaine, Mr. Frelinghuysen, and yourself.

The relation of the Samoan group to the future commerce of the Pacific is the same in kind, though at present less in degree, as that of the Hawaiian group.

The intelligent foresight of our Government has, at a time when the future of that region was much less certain than it is now, secured exclusive rights on the island of Tutuila in a harbor probably not equalled and certainly not surpassed in the Pacific. . . . Having thus long ago acquired this foothold in the South Pacific, it would be short-sighted indeed if we were to permit the advantage of this action to slip away from us by leaving the way open to European domination in this group.

It is because of the conviction that the situation in these islands requires more active intervention in their domestic affairs than was contemplated by my instructions to secure to our own people the rights and privileges which naturally belong to them that, while reporting the best plan I could devise in accordance with the instructions, I have been constrained to go beyond it and to urge more independent action on the part of this Government than has been heretofore contemplated."

<sup>161</sup> Ibid., pp. 59 and 60. (For German original see Weissbuch, 1889, Fuenfter Theil, No. 5.)

No. 54. Prince von Bismarck to Mr. von Alvensleben. (Left at the Department of State by Mr. von Alvensleben, August 29, 1887. (Translation by source.)

VARZIN, August 7, 1887.

(Received August 29.)

"Mr. Bayard has declined to agree to the German-English proposition to appoint one adviser to the Samoan Government as the representative of

in view of Secretary Bayard's objections, to drop the German-English plan and take into closer consideration the American

the treaty powers, and has proposed instead the institution of an executive council, consisting of the King of Samoa, a native official, and three representatives of the treaty powers (*i. e.*, one to be nominated by each). In the course of the discussions on this proposition it has been pointed out by the German as well as by the English plenipotentiary that under such a composition of the executive, the unsettled and lawless condition of affairs which has hitherto prevailed in Samoa would continue, and that a uniform administration of the Samoan Government, offering sufficient guarantees for public peace and order, would thereby be rendered illusory.

The Imperial Government, while maintaining these views, and although it would have been considered desirable if also the United States Government could have convinced itself of the practical advantages of the German-English proposition, is nevertheless prepared, in view of the objections raised by Mr. Bayard, to drop that point, because Germany has no treaty claim upon the consent of America to the proposed institution, and because we are endeavoring to regulate the relations of the interested powers to Samoa in a common understanding with the Government of the United States, connected by friendship with Germany.

The Imperial Government does not see in the American counter-proposition any redress of the now existing evils; it does not aim, notwithstanding the preponderance of German interests over those of other nations in Samoa, at the exercise of a stronger influence with regard to the affairs of the islands than England and America, unless such influence would, in the common interest of the three nations, be willingly conceded to it, as has been done by Great Britain, and as we were in hope would be done by the United States, too. This hope having proved to be erroneous, we consider, as we have done hitherto, the now existing equality of rights of the three nations, as the acknowledged basis of their relations to Samoa. We do not, however, anticipate a favorable result from a participation of the so-called King and of one of his officials in the negotiations of the consuls, neither for the affairs themselves, nor for the agreement of the powers and their consuls between each other.

The Imperial Government agrees, therefore, to the adjournment of the conference proposed by Mr. Bayard and will, jointly with the British Government, take into closer consideration the American counter-proposition of a common control of the Samoan Government to be exercised by the three treaty powers.

The Imperial Government is, however, unable to renounce an immediate reparation for the insults against His Majesty the Emperor and the national honor committed by partisans of Malietoa, on the 22nd of March last, on the occasion of His Majesty's birthday, by the ill-treatment of German citizens in Samoa and by violence inflicted upon them. We also must obtain due satisfaction for the thefts and robberies committed on German plantations, which have hitherto remained unpunished, and for the systematical refusal of legal protection in cases of criminal offenses committed by Samoans against German subjects; and, furthermore, we must obtain sufficient guaranties that our treaties with Samoa be in future respected and the German interests there duly protected. The latter are in consequence of the uncalled-for intermeddling of the Hawaiian Government in the political affairs of Samoa, now menaced by imminent outbreak of a civil war, endangering life and property of the Germans residing there.

Under these circumstances and having convinced ourselves, to our regret that our representatives in Apia do not enjoy the expected support of their colleagues in cases of disagreements and disputes with Malietoa, we have to consider it our duty to independently protect our own interests and rights and to obtain the satisfaction and reparation which is due to our national honor.

counter-proposition, but he stated plainly that he saw in it no solution for the existing evils. While agreeing to the adjournment of the conference, and acknowledging as hitherto the equality of rights of the three nations in Samoa, Germany could not, he declared, "renounce an immediate reparation for the insults against His Majesty the Emperor and the national honor committed by partisans of Malietoa." If the king were either unwilling or not powerful enough, to give Germany the necessary satisfaction for the past and sufficient guarantees for the future, the Imperial Government would feel obliged to declare war on him personally. And if the king of Hawaii should interfere in favor of Malietoa, then the former would be entering into a state of war with Germany.

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We shall therefore if Malietoa is either not willing or not powerful enough to give us the necessary satisfaction for the past and sufficient guarantees for the future, feel obliged to declare war on him, and refuse to recognize his government. In case Hawaii, whose King acts according to financial principles which it is not desirable to extend to Samoa, should try to interfere in favor of Malietoa, the King of the Sandwich Islands would thereby enter into (a) state of war with us.

The Imperial Government is, of course, far from intending to bring about any change in the political relations which the three powers represented there and connected by friendship entertain to Samoa; on the contrary, we maintain unaltered the existing treaties and stipulations between us and the Governments of Great Britain and the United States with regard to that group of islands, as well as the equality of rights of the treaty powers. We shall also in the future continue our endeavors to arrive at an understanding about the necessary reforms in order to establish a lasting peace on the Samoan Islands, in the interest of the foreign and native population. But we are unable to allow the dignity of the German Empire and the security of the German subjects to be any longer slighted in such a manner as has been done by Malietoa.

I respectfully request you to bring the foregoing remarks to the notice of Mr. Bayard and, if he desires it, to leave a copy of them in his hands.

V. BISMARCK."

Count Bismarck later terminated negotiations concerning Bayard's plan. (Sen. Ex. Doc. No. 31, 50th Cong., 2nd Sess., pp. 6 to 9.)

Memorandum handed to Bayard by Baron v. Zedwitz, November 4th, 1887.

"If therefore, the American Government cannot be convinced of the practical advantages of the German-English proposition, and if it regards the carrying out of the same as dangerous to the independence and neutrality of Samoa, and as a deviation from the traditional policy of the United States in the Pacific Ocean, the Imperial Government has no desire to adhere to the plan and renew the discussion thereof. The Imperial Government, however, for the reasons stated, considers the counter-propositions made by Mr. Bayard during the conference for an executive branch of the government composed of five members as impracticable, and is unable to regard the same as sufficient ground for further negotiations.

COUNT BISMARCK."

The especial insult referred to by Bismarck was the affair of the Emperor's birthday, when a conflict occurred between some of the followers of Malietoa and the German residents who were in the act of celebrating the birthday of the Emperor. The reports<sup>162</sup> as to the seriousness of the conflict vary widely according to their source, the German consul emphasizing the gravity of the event, the American and British reports minimizing the whole affair. Germany, however, made it the occasion for entering upon an aggressive policy against Malietoa. A heavy fine and abject apology for this and past offenses were demanded<sup>163</sup> of the king, and when these were not obtained, war was declared against him.<sup>164</sup> Great Britain offered her conciliation but this was declined by Germany. Malietoa fled inland. Tamasese was transported to Apia in a German man-of-war and saluted as King of Samoa. The American and British consuls immediately issued a proclamation<sup>165</sup> stating that they and their governments did not recognize Tamasese as King but would continue as heretofore to recognize Malietoa—they urged the Samoans, however, to submit and await the deliberations of the nations. The pursuit of Malietoa continued and he later surrendered and was carried into exile on

<sup>162</sup> For accounts of the "affair of March 22nd," the Emperor's birthday, see Weissbuch, 1889, Fuenfter Theil, No. 3. (Becker to Bismarck.) R. L. S., Vol. XIX, p. 418 ff. A. & P., 1889, LXXXVI (C-5629), p. 149.

<sup>163</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 67 ff.

<sup>164</sup> That the German Government did not expect Malietoa to comply with the demands, nor exhausted effort to have him do so, is evident from the following. (A. & P., 1889, LXXXVI (C-5629), p. 138, No. 143.

The Marquis of Salisbury to Sir E. Malet.

FOREIGN OFFICE, August 15th, 1887.

(Extract.)

"The German Ambassador called upon me today, and left with me the dispatch of which I enclose an extract, explaining the policy which the German Government propose to adopt toward Samoa.

I asked the Ambassador whether it would not be possible to give directions to the British Consul to take steps for removing the differences between King Malietoa and Germany, by including the former to meet the demands of Germany as far as they were well founded.

His Excellency said that such a course might be adopted later but that it would be inconvenient for the present that any instructions should be given which might prematurely announce the intentions which the Chancellor had confidentially explained."

<sup>165</sup> Ibid., p. 147.



board a German war-vessel. Meantime Tamasese was being established in the kingship. The "gentleman Brandeis," who had been quietly assisting him in the organization of his forces, now became his prime minister<sup>166</sup> and assisted him in the organization of his government. Throughout one year Samoa was under their regime. The American Consul, Mr. Sewall, offered constant and determined opposition, refusing to recognize the new ruler in any manner, and declining to serve on the Municipal Council<sup>167</sup> under the flag of Tamasese, thus eventually causing the abandonment of the municipal government of Apia.<sup>168</sup> The British Consul, on the other hand, was instructed<sup>169</sup> to recognize Tamasese as the *de facto* ruler of Samoa and to enter into such communication with him as the situation required. He was also instructed to observe strict neutrality as between the German and American authorities on the islands. In addition to this Sir Lionel West, the British Ambassador in Washington, was instructed<sup>170</sup> to use his influence to induce the Government of the United States "to address to their Consul pacific and conciliatory instructions." The United States Consul Sewall was later instructed by Secretary Bayard to preserve strict "neutrality between the Malietoa and Tamasese parties, but to uphold all rights of the United States."<sup>171</sup>

The war against Malietoa had involved almost no bloodshed and very slight military measures, but Bismarck realized that such

<sup>166</sup> Ibid., p. 173.

<sup>167</sup> A. & P., 1889, LXXXVI (C-5629), p. 163, No. 180 and p. 170, No. 189. The American Consul Sewall protested against the assumption of rule of Tamasese over the municipality of Apia as a violation of the Municipal Convention of 1879 (House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 91). The German Consul, Becker, declared it necessary to consider that convention in abeyance because the American Consul, Sewall, had refused to consent to the continuance in office of the present magistrate, and had refused to attend meetings of the Municipal Board. Mr. Becker asserted that it was not the German Commander (as alleged by Mr. Sewall) but the Samoan Government that had taken over the administration of Apia. Moreover, he pointed out that the Convention of 1879, on which Mr. Sewall based his protest, had not been ratified by the United States.

<sup>168</sup> A. & P., 1889, LXXXVI (C-5629), p. 172; also Weissbuch, 1889, Vol. V, No. 7.

<sup>169</sup> Ibid., pp. 169, 172 and 173.

<sup>171</sup> Weissbuch, Fuenfter Theil, No. 12.

<sup>170</sup> Ibid., p. 158.

measures as had been taken were creating a hostile opinion among the other powers. He therefore instructed the German Consul,<sup>172</sup> as soon as he thought it possible, to remove the German marines from Apia. Their presence there, Bismarck wrote to Mr. Becker, was giving the American and Australian press just the excuse wanted to cast suspicion on the German policy in the Pacific, and to accuse it of aggression against the treaty rights of others in Samoa. The Chancellor had hoped that the removal of the hostile Malietoa and the installation of Tamasese, who was friendly to Germany, would be sufficient assurance of the protection of German subjects and their interests. As long as the military occupation lasted, the consul was to avoid anything which would give that occupation any other character than merely a measure of support of the newly recognized king. Any further action, moreover, was to be taken not in the name of Germany nor in reference to special German interests but in the name of the present Samoan government, the support of which the Chancellor wrote would be for the interest of all.

This reveals completely the part played by the German Government to further German interests in the islands. The king hostile to Germany was removed and replaced by a chieftain friendly to German interests and well controlled by a German advisor as his prime minister. This having been accomplished, it was necessary to seek to overcome the hostility aroused among the other powers. The chancellor therefore ordered the immediate removal of the signs of force by which the *coup* had been accomplished and directed that the support of the new regime should be rendered as to a government thoroughly Samoan.

The Tamasese-Brandeis regime lasted approximately a year and accounts are contradictory<sup>173</sup> as to whether intrinsically it was

<sup>172</sup> Weissbuch, Fuenfter Theil, No. 13.

<sup>173</sup> R. L. S., Vol. XIX, p. 439. Mr. Stevenson refers to the severe but salutary laws enacted, the roads built, beacons set up, instruction given to the natives in agricultural methods, and in the raising of cacao and other products to relieve the dependence on the one product, copra. In general he writes, "The more I learn of his brief term of rule, the more I learn to admire him and to wish we had his like." In contrast see also Sen. Ex. Doc. No. 31, 50th Cong., 2nd Sess., p. 159.

mostly good or evil. But all seem to agree that the rule was *not* Samoan but thoroughly German. This fact and the strict regulations enforced made his rule unpopular with native Samoans and the creation of a new opposition party was the natural result. This opposition centered in the person of Mataafa, a chief of the old Malietoa party. According to the allegations of the Germans, it was supported by the American Consul and certain British residents.<sup>174</sup> Through whatever causes, the opposition grew and the situation now became the reverse of that under Malietoa, the German representatives in Samoa now rallying to the support of the *de facto* king, the American representatives lending more or less active support to the opposition forces under Mataafa.<sup>175</sup>

<sup>174</sup> R. L. S., Vol. XIX, p. 432 f.

"The white enemies of the new regime were of two classes. In the first stood Moors and the employees of McArthur, the two chief rivals of the firm, who saw with jealousy a clerk (or a so-called clerk) of their competitors advanced to power. The second class, that of the officials numbered at first exactly one, Wilson, the English Acting-consul, is understood to have held strict orders to help Germany. Commander Leary of the Adams, the American Captain, when he arrived, on the 16th October and for some time after, seemed devoted to the German interests and spent his days with the German officer, Captain von Widersheim, who was deservedly beloved by all who knew him. There remains the American Consul-general, Harold Marsh Sewall, a young man of high spirit and a generous disposition. He had obeyed the orders of his government with a grudge; and looked back on his past action with regret almost to be called repentance. From the moment of the declaration of war against Laupepa, we find him standing forth in bold, consistent, and sometimes rather captious opposition, stirring up his government at home with clear and forcible dispatches and on the spot grasping at every opportunity to thrust a stick into the German wheels. For some while he and Moors fought their difficult battle in conjunction; in the course of which first one and then the other, paid a visit home to reason with authorities in Washington; and during the Consul's absence there was found an American clerk in Apia, William Blacklock, to perform the duties of the office with remarkable ability and courage. The three names just brought together, Sewall, Moors, and Blacklock, make the head and front of the opposition; if Tamasese fell, if Brandeis was driven forth, if the Treaty of Berlin was signed, theirs is the blame or the credit."

<sup>175</sup> R. L. S., Vol. XIX, p. 494; also Weissbuch, 1889, Fuenfter Theil, No. 27. No. 27.

BERLIN, den 24. Nov., 1888.

Bismarck to Konsul Knappe.

"Wegen der Unterstuetzung, welche der Kommandant des amerikanischen Kriegsschiffes und der amerikanische Konsulatsverweser den Aufstaendischen gewahrt haben, sind Vorstellungen in Washington erhoben worden. Die beiden amerikanischen Beamten haben in Folge dessen Weisung erhalten, eine Einmischung in den Aufstand und Konflikte mit deutschen Behoerden zu

The situation was more serious this time because of the presence of the naval forces of each nation now stationed at the islands in anticipation of the threatening troubles.<sup>176</sup> The German and American commanders took active part in the situation, backing their consuls. The period is referred to as that of the "Furor Consularis."<sup>177</sup> The Tamasese forces were routed and Mataafa proclaimed king.<sup>178</sup> Finally, German marines landed for the protection of the German plantations: were attacked by Mataafa forces at Fangalii and lost more than fifty men, 40 per cent. of their number. Germany then prepared to take action in earnest and declared war on the Mataafa forces. In announcing the state of war, Bismarck declared<sup>179</sup> that the German armed forces were

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vermeiden und, falls Schwierigkeiten entstehen, neue Instruktionen abzuwarten.

Was unsere eigene Haltung in Samoa betrifft, so handelt es sich in erster Linie darum, die Reichsangehoerigen und deren Interessen wirksam zu schuetzen. Es wuerden uns allerdings erwuenscht sein, Tamasese zu halten, wenn dies aber in Hinblick auf die Stimmung der einheimischen Bevoelkerung nicht angaengig ist, erscheint es als angezeigt, wenn thunlich, einen Vergleich zwischen Tamasese und Mataafa zu Stande zu bringen. Tamasese wuerden hierbei moeglichst guenstige Bedingungen zu sichern sein."

See also *Ibid.*, Nos. 32, 33, 34 and 36.

<sup>176</sup> Sen. Ex. Doc. No. 31, 50th Cong., 2nd Sess., p. 137. Rear Admiral Kimberley was instructed to keep one of his ships continuously in Samoan waters and to give her commanding officer full instructions "to intervene vigorously, should occasion arise, to protect the persons and property of American citizens there residing." Count Arco, German Minister, informed Secretary Bayard (*Ibid.*, p. 161) that the German fleet was being dispatched to Samoa owing to the unsettled condition of affairs in the islands, but had no definite information as to any specific object for this.

<sup>177</sup> Sen. Ex. Doc. No. 31, 50th Cong., 2nd Sess., p. 161. Instructions were sent by both the German and American Governments to their consuls to endeavor to avoid all friction or conflict of interests between the citizens of the two governments in their business operations in those islands. (See also Weissbuch, 1889, Fuenfter Theil, No. 28 and No. 29. After the defeat of Tamasese by the Mataafa forces, the German Consul was instructed to confine his efforts to the protection of the life and property of German subjects (*Ibid.*, p. 162).

<sup>178</sup> Sen. Ex. Doc. No. 31, 50th Cong., 2nd Sess., p. 125.

<sup>179</sup> House Ex. Doc. No. 118, 50th Cong., 2nd Sess., p. 15.

No. 4 (e). Prince Bismarck to Count von Arco-Valley.  
(Translation by source.)

MINISTRY OF FOREIGN AFFAIRS,

BERLIN, January 13, 1889.

"I have already notified Your Excellency that, according to telegraphic



instructed to avoid all injury to neutral commerce and property and that all treaty rights of Americans and British in Samoa would be preserved, and that the military measures<sup>180</sup> had in view only the punishment of the murderers of German soldiers. The German Consul, Dr. Knappe, however, being personally eager for annexation, adopted measures of unauthorized vigor<sup>181</sup> and placed the

communications from Apia on the 18th December of last year, a detachment of German naval forces which had landed at the requisition of the Imperial Consul for the protection of the German settlements which were endangered by the conflicts between the native parties there, was attacked by armed Samoans belonging to the party of Chief Mataafa. This unprovoked attack is said to have taken place under the leadership of an American named Klein. On this occasion more than fifty German soldiers and officers were killed and wounded. In consequence of this we have been transplanted from the territory of mediatorial negotiations, by which the Imperial Consul in Apia was trying to reconcile the contending parties, and for which he had sought the coöperation of his English and American colleagues, into a state of war with the assailants, to our regret.

We shall carry on the contest which has been forced upon us by Mataafa and his followers, with the utmost consideration for English and American interests. Our military measures have in view only the punishment of the murderers of German soldiers and the protection of our countrymen and their property. As they, on their part, are at war with Tamasese, our interference will necessarily assume the character of assistance to Tamasese.

In the endeavor for the just punishment of a murderous crime we hope for the coöperation of the treaty powers in Samoa in friendship with us, and we ask the Government of the United States to be good enough to furnish the consuls, and the commander of its ships of war in Samoa, with suitable instructions. Our armed forces there are instructed to avoid and to prevent all injury to neutral commerce and property, and to adopt measures of reprisal and destruction only against the followers of the party which initiated the contest against our troops by a murderous attack.

We shall of course abide by the agreements with America and England with respect to Samoa, and pay due regard under all circumstances to the rights of those powers as established by treaty.

I beg Your Excellency to bring this communication to Mr. Bayard's knowledge by reading it to him, and to leave a copy of it with him if he requests it.

VON BISMARCK."

<sup>180</sup> Bismarck empowered the German representative to call upon German warships for aid *provided the outlook for success was assured*. (See Weissbuch, 1889, Fuenfter Theil, No. 33.)

Bismarck to Gen. Konsul, Sydney.

23. DEZ., 1888.

"Ich ermächtige Sie gegen Aufstaendische, welche deutsches Eigenthum schaedigen, Huelfe unserer Kriegsschiffe nach zu suchen, falls Aussicht auf Erfolg gesichert ist."

<sup>181</sup> Weissbuch, 1889, Fuenfter Theil, No. 35. Dr. Knappe was eager for direct annexation of the islands and wrote to Bismarck that if it were possible to annex the islands the German forces present in Samoa would be sufficient to restore order. Bismarck replied (Ibid., No. 37) that owing to the agreement with America and England, annexation was out of the question ("Selbstverstaendlich ausgeschlossen").

whole islands under martial law. Protests were made immediately<sup>182</sup> by the American and British Consuls and their Governments, who refused to permit the jurisdiction over their respective citizens in Samoa to be transferred to that of the German representatives in the islands. When news of the action of Dr. Knapps reached Germany, Bismarck immediately disavowed his measures, and administered a sharp rebuke to the Consul.<sup>183</sup> The Chancellor declared the protest of the other nations to be "grounded," that Dr. Knappe had overstepped his authority and that his assumption of control over Samoa was entirely contradictory to the policy of Germany,<sup>184</sup> and in violation of the formal treaty with England.

<sup>182</sup> House Ex. Doc. No. 119, 50th Cong., 2nd Sess., p. 3; also A. & P., 1889, LXXXVI (C-5629), p. 281, No. 325.

<sup>183</sup> V. R., 1888-89, Anl. Bd. VI, Aktenstueck, Nr. 210, S. 1235.

Telegramm.

BERLIN, den 31. Januar, 1889.

"Folgendes an Konsul in Apia zu uebermitteln:

Unter Bezugnahme auf Telegramm vom 23. Januar, bemerke ich, dass Ihnen kein Recht zusteht, Fremde der Gerichtsbarkeit ihrer Konsuln zu entziehen. Der Widerspruch Ihrer englischen Kollegen gegen die getroffenen Massnahmen ist begruendet. Bei Konflikten welche aus diesem Anlass entstehen, wuerden Sie Sich im Unrecht befinden. Die von Ihnen gestellte Forderung, betreffend Uebernahme der Verwaltung Samoas durch Deutschland, liegt ausserhalb Ihrer Instruktionen und unserer Ziele. Nehmen Sie dieselben alsbald zurueck. Abgesehen von Auslieferung der verbrecherischen Angreifer ist keine Forderung zu stellen, zu der Sie nicht ermachtigt sind. Falls Ihr Telegramm hier richtig verstanden wird, kann ich Ihr Verhalten nicht gutheissen.

gez.

VON BISMARCK."

<sup>184</sup> Weissbuch, 1889, Fuenfter Theil, No. 41.

Bismarck to von der Goltz (K. Vizeadmiral, Kommandierenden Admiral).

BERLIN, 5. Feb., 1889.

"Auch Amerika gegenueber sind wir in Samoa, wenn nicht vertragsmaessig gebunden, doch in amtlicher, durch internationale Verhandlungen anerkannter Kenntnis der Vertragsrechte, welche Amerika Samoa gegenueber besitzt, und haben bisher keinen Anlass in diese Amerikanisch-samoanischen Vertraege einzugreifen. Ich glaube deshalb, dass der Protest der englischen und amerikanischen Konsuln zu Gunsten des Verbleibens ihrer Landsleute unter ihrer konsularischen Jurisdiktion ein berechtigter ist, soweit die Beteiligten nicht etwa durch Beistand, Foerderung oder Anstiftung unserer Angreifer sich der Sache derselben anschliessen. Wenn vom deutschen Konsulat das Verlangen nach Uebertragung der Verwaltung in der That ausgesprochen sein sollte, so wuerde ich das bedauern, weil es mit unseren Abmachungen und Zusicherungen England und Amerika gegenueber in Widerspruch stehen wuerde und daher nicht aufrecht erhalten werden koennte. Je schwieriger in Samoa die in Betracht kommenden voelkerrechtlichen Fragen liegen, um so mehr ist fuer unser Verhalten befreundeten Maechten gegenueber die genaue

Moreover, in respect to the United States, though not bound by any formal treaty, Germany had recognized officially the rights

Inhaltung der Grenzlinien unserer Rechte geboten; je fester wir innerhalb derselben unsere Rechte zu vertreten und durchzufuehren entschlossen sind, um so sicherer muss jede Ueberschreitung vermieden werden."

That Bismarck's disavowal of the action of Consul Knappe relieved a tense situation and served to allay the indignation of the United States is shown in the following instructions from Secretary Blaine to the American delegates at the Berlin Conference.

"I do not desire to embarrass your discussion of the restoration of the *status quo* by reference to the incidents which accompanied the declaration of martial law by the German authorities. But these incidents cannot be passed over in silence, if such silence is to be interpreted as acquiescence either in the rightfulness or necessity of that measure. Such a declaration appears to the President to have been in direct violation of that equal and friendly coöperation which had been previously recognized as the principle of action for the treaty powers, and equally contradictory of the conditions upon which the conference was instituted. But, aside from these considerations, the manner and the method by which the German naval authorities proclaimed their intention of carrying this declaration into effect, could only tend to evoke irritation and bitterness over questions which might well be the subject of grave international discussion. So trenchant were the invasions of the rights of American citizens in Samoa, and so apparent was the purpose to disregard the dignity of the flag which protected them, that, if immediate resentment of such treatment had culminated in forcible resistance, this Government while deeply regretting so unfortunate an occurrence, would have found it impossible not to have sympathized with the natural indignation which prompted such a course.

Had not the Government of the United States believed that the objectionable proceedings were due to the hasty and too pronounced zeal of German naval officers, and not to the orders or the wishes of the authorities at Berlin, an earnest and vigorous protest would have been made against the assumption of such power. In this belief, the President is content to overlook the offense, and refers to it now lest silence on his part should be misconstrued by the German Government. You will therefore, be careful in any reference which you may make to the subject, to employ a friendly tone, and to assume that the proceedings referred to were at no time authorized by the Imperial Government."

In order to avoid danger of naval conflict upon the request of consuls in the future, Germany enacted by Imperial Decree, March 19, 1889, the following regulation:

"The Commander of a ship of war is thereby bound in the future to test the legal and political bearing of any request made of him by any German Representative abroad, when the latter has no authorization or instruction from the Foreign Office to show; failing this, the Commander is to wait a higher decision, in case he does not share the view of the Consul as to the necessity of taking active measures of a warlike nature."

Bismarck stated that this Imperial Decree was occasioned by the recent events in Samoa where an unauthorized consular request and an unquestioning compliance with the same, have resulted in much loss of life, and serious injury to German interests, and have, moreover, menaced us with quarrels



of that country in Samoa as secured by its treaty of 1878. Therefore a change in the political status of Samoa without the agreement of both these nations was not to be contemplated.<sup>185</sup>

During the hostilities against Mataafa the American Commander at Apia called for reinforcements on the ground that American property and lives were in danger from the action of the German forces against Mataafa. The Government responded by ordering Admiral Kimberly,<sup>186</sup> Commander of the United States' naval

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with friendly Powers, without any valid and sufficient reasons existing for recourse to warlike proceedings.

For further condemnation of Consul Knappe's actions by Bismarck see the latter's letter of March 9, 1889, to Dr. Stuebel. (V. R., 1888-89, Anl. Bd. V, Aktenstueck, Nr. 138, S. 890.)

<sup>185</sup> Weissbuch, 1889, Fuenfter Theil, No. 47.

<sup>186</sup> Sen. Ex. Doc. No. 68, 50th Cong., 2nd Sess., pp. 21 and 22, No. 14.

Mr. Whitney, Secretary of the Navy, to Admiral Kimberly.

(Inclosure in No. 14—telegram.)

NAVY DEPARTMENT, January 11, 1889.

"Commander Mullan of the Nipsic, telegraphs, by way of Auckland, New Zealand, that a force was landed at Samoa from the German fleet, which resulted in an engagement between the troops of Mataafa and the German forces and the defeat of the latter. He reports that the Germans in retaliation bombarded towns, disregarding protests and neutral rights, and that the property and lives of American citizens are in danger. He strongly urges the sending of reinforcements. The German Government claims that the German forces were first attacked, and that war now exists between Germany and that portion of the natives of Samoa, engaged in the attack upon the Germans. The German Government invites this Government in the common interest to join in establishing order in Samoa, giving assurance of careful respect for our treaty rights. The United States Government is willing to cooperate in restoring Samoan autonomy, as recognized and agreed to by Germany, Great Britain, and the United States, and has so informed the German Government.

You will at once proceed to Samoa and extend full protection and defense to American citizens and property. You will consult with the American vice-consul, examine his archives, and otherwise inform yourself as to the situation and all recent occurrences. Protest against the subjugation and displacement of native government of Samoa by Germany as in violation of positive agreement and understanding between treaty powers, but inform the representatives of the German and British Governments of your readiness to cooperate in causing all treaty rights to be respected and in restoring peace and order on the basis of a recognition of Samoan independence. Endeavor to prevent extreme measures against the Samoans and bring about a peaceful settlement. If such arrangement can be made upon that basis you will report the same for approval and you will inform this Government as soon as possible after your arrival in Samoa, of the condition of affairs and the prospect of peaceful adjustment, and whether Germany was acting impartially between the opposing native forces when the late conflict occurred.

WHITNEY."



forces in the Pacific to proceed in his flagship, the Trenton, to Apia. He was instructed "to extend full protection and defense to American citizens and property," to "protest against the subjugation and displacement of native government of Samoa by Germany," but to inform the German and British representatives of his readiness to coöperate in restoring peace and order on the basis of Samoan independence. The whole correspondence on the Samoan question was communicated by President Cleveland to Congress<sup>187</sup> for its consideration. The President declared that

<sup>187</sup> Sen. Ex. Doc. No. 68, 50th Cong., 2nd Sess., p. 2.

Message to Congress.

JANUARY 16, 1889.

"On the second of April, 1888, I transmitted to the House of Representatives, in response to a resolution passed by that body, a report from the Secretary of State relating to the condition of affairs in the Samoan Islands, together with numerous letters, dispatches, and the documents connected with the subject, which gave a history of all disorders in that locality up to that date. On the 21st day of December, 1888, this information was supplemented by the transmission to the Congress of such further correspondence and documents as extended this history to that time.

I now submit a report from the Secretary of State, with later correspondence and dispatches exhibiting the progress of the disturbances in Samoa up to the present date.

The information thus laid before the Congress is of much importance since it has relation to the preservation of American interests and the protection of American citizens and their property in a distant locality and under an unstable and unsatisfactory government.

In the midst of the disturbances which have arisen at Samoa, such powers have been exercised as seemed to be within the executive control under our Constitution and laws, and which appear to accord with our national policy and traditions, to restore tranquillity and secure the safety of our citizens.

Through negotiations and agreement with Great Britain and Germany which, with our own Government, constitute the treaty powers interested in Samoan peace and quiet, the attempt has been made to define more clearly the part which these powers should assume in the government of that country, while at the same time its autonomy has been insisted upon.

These negotiations were at one time interrupted by such action on the part of the German Government as appeared to be inconsistent with their further continuance.

Germany, however, still asserts, as from the first she has done, that she has no desire or intention to overturn the native Samoan Government or to ignore our treaty rights, and she still invites our Government to join her in restoring peace and quiet. But thus far her propositions on this subject seem to lead to such a preponderance of German power in Samoa as was never contemplated by us and is inconsistent with every prior agreement or understanding, while her recent conduct as between native warring factions gives rise to the suspicion that she is not content with a neutral position.

Acting within the restraints which our constitution and laws have placed upon the executive power, I have insisted that the autonomy and independence of Samoa should be scrupulously preserved according to the treaties made with Samoa by the powers named and their agreements and understanding with each other. I have protested against every act apparently tending

the German proposition and actions aimed at a preponderance of German power and indicated that Germany was not content with a neutral position. Much feeling was aroused and an appropriation of a half million dollars was voted for the protection of United States' interests in Samoa.<sup>188</sup> In addition one hundred thousand was appropriated for the development of the harbor of Pago-

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in an opposite direction, and during the existence of internal disturbance one or more vessels of war have been kept in Samoan waters to protect American citizens and property.

These things will abundantly appear from the correspondence and papers which have been submitted to the Congress.

A recent collision between the forces from a German man-of-war stationed in Samoan waters and a body of natives rendered the situation so delicate and critical that the warship Trenton, under the immediate command of Admiral Kimberly, was ordered to join the Nipsic, already at Samoa, for the better protection of the persons and property of our citizens, and in furtherance of efforts to restore order and safety.

The attention of the Congress is especially called to the instructions given to Admiral Kimberly, dated on the 11th instant, and the letter of the Secretary of State to the German Minister, dated the 12th instant, which will be found among the papers submitted.

By means of the papers and documents heretofore submitted and those which accompany this communication, the precise situation of affairs in Samoa is laid before the Congress and such executive action as has been taken is fully exhibited.

The views of the Executive in respect of the just policy to be pursued with regard to this group of islands, which lie in the direct highway of a growing and important commerce between Australia and the United States, have found expression in the correspondence and documents which have thus been fully communicated to the Congress, and the subject in its present stage is submitted to the wider discretion conferred by the Constitution upon the legislative branch of the Government.

GROVER CLEVELAND."

Executive Mansion,  
January 15, 1889.

<sup>188</sup> Congressional Record, Vol. XX, Part 2, 50th Cong., 2nd Sess., p. 1283. The Committee on Appropriations reported, January 29, 1889, to insert in the Diplomatic and Consular Appropriation bill the following:

"For the execution of the obligations and the protection of the interests of the United States, existing under the treaty between the United States and the Government of the Samoan Islands, \$500,000, or so much thereof as may be necessary, to be expended under the direction of the President, this appropriation to be immediately available.

For the survey, improvement, and occupation of the bay and harbor of Pago-Pago in the Island of Tutuila, Samoa, and for the construction of the necessary wharves and buildings for such occupation, and for a coaling station therein, under the direction of the President, \$100,000, this appropriation to be immediately available."

For Congressional discussion of the Samoan situation, see *Ibid.*, pp. 1283 ff. (January 29, 1889) and pp. 1325 ff. (January 30, 1889).

Pago<sup>189</sup> which had remained as it was when first transferred to the United States in 1878.

Realizing that affairs in the islands had reached a critical stage,<sup>190</sup> Bismarck concluded that it was important for the three powers to come to an agreement concerning the future of Samoa. He therefore proposed to Lord Salisbury<sup>191</sup> that the British Government unite with him in inviting the American Government to continue in Berlin the conference begun in Washington and to renew the

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<sup>189</sup> Congressional Record, Vol. XX, Part 2, 50th Cong., 2nd Sess., p. 1290, January 29, 1889. Senator Sherman, of Ohio, after the lengthy discussion on the Samoan correspondence and situation, set forth the following recommendation:

"Mr. President, the conclusions to which I have come, without wearying the Senate any further, are that the first thing to be done is to assert our power and occupancy and possession of the Bay of Pago-Pago, and so much of the shores of the Island of Tutuila as is necessary for a coaling station. This is a mere rocky island, comparatively, of a few square miles, but it possesses this magnificent harbor, and one of the amendments of this bill proposes that we shall take possession of it, occupy it, erect a coaling station there and such other buildings as may be necessary. That ought to be done immediately, because it is manifest that whatever may happen in regard to controversies in the South Sea Islands, having secured by law and by treaty a foothold there, we ought to secure that, and not treat it as we have done our privileges in the Hawaiian Islands. The Government of the United States undertook, or started to do it some time ago, but without saying anything in respect to the mode in which it was defeated it was finally dropped out of the appropriation bill on the score of economy. If we had had a foothold in this bay as firmly and as strongly as the Germans have theirs in their bay, I believe American interests would not be so endangered as they are today.

It needs no war to protect the nation's rights. The mere assertion of those rights, a due regard for them, the expenditure of money there, the storing of coal there, the landing of vessels there—all these are an assertion of power far more powerful, far more influential than protocols or diplomatic correspondence. That we ought to do."

<sup>190</sup> Carl Schurz, "Speeches, etc.," Vol. V, p. 1. (Also see Appendix.) Count von Arco-Valley, German Minister at Washington, consulted Senator Schurz on the Samoan question. The Senator, speaking as a private citizen recommended that Count Arco advise his Government to allow the publication of the protocols of the conference of 1887, which it had hitherto refused to do. The Senator recommended also that the German Government accompany its invitation to the conference in Berlin with the frank statement that the basis of the negotiations would be the autonomy of Samoa and the maintenance of all treaty rights. Count Arco informed Mr. Schurz that he would report these views to his Government. Both of these actions were taken by the German Government in arranging the Berlin Conference.

<sup>191</sup> Weissbuch, 1889, Achter Theil, No. 1; also A. & P., 1889, LXXXVI (C-5629), p. 276, No. 316.

attempt to end the hostilities in Samoa. In making this proposition the German minister was instructed to assure Lord Salisbury that Germany did not aim to gain the islands for herself, nor to put in question the equality of rights of the three powers there. On receiving the acceptance of Great Britain, Bismarck then submitted to Secretary Bayard<sup>192</sup> his proposal that the United States "resume with Germany and the British Government the consultation regarding the Samoan question." In extending this invitation, the Chancellor declared that "any supposition that Germany would not feel satisfied with a neutral position in the Samoan Islands" was unfounded and that it was not Germany's intention "to put in question the independence of the island group, nor the equal rights of the treaty powers." On this basis Secretary Bayard accepted the invitation on the part of the United States,<sup>193</sup> with the added suggestion that the three treaty powers at once instruct their officers in Samoa to suspend all belligerent action pending the decision of the conference. Unless the free election of a new king by the natives should alter them, affairs in Samoa were to remain in *statu quo* during the negotiations between the powers. The proposals for the conference and Germany's assurance that autonomy of the islands and equality of representation of the powers should be the basis of the negotiations relieved to a great degree the tension between the Governments of the United States and Germany. Possibility of hostilities between the naval forces stationed at the islands was suddenly prevented by a great natural catastrophe, the famous hurricane of March 16, 1889, which destroyed the entire naval forces of the United States and Germany then stationed in the harbor of Apia.<sup>194</sup>

<sup>192</sup> Sen. Ex. Doc. No. 102, 50th Cong., 2nd Sess., p. 3, No. 3.

<sup>193</sup> Sen. Ex. Doc. No. 102, 50th Cong., 2nd Sess., p. 4, No. 4.

<sup>194</sup> R. L. S., Vol. XIX, p. 541 ff. The naval vessels of the three powers then anchored in Apia harbor were (American) the Trenton, Nipsic, and Vandalia; (German) the Adler, Eber, and Olga; (British) the Calliope. Of thirteen vessels assembled in the harbor the Calliope was the sole survivor.

After a vivid description of the storm Mr. Stevenson concludes:

"Thus in what seemed the very article of war, and within the duration of a single day, the sword arm of each of the two angry powers was broken, their formidable ships reduced to junk; their disciplined hundreds to a horde of



The possible factors for danger having thus been removed, the Conference of Berlin was opened under favorable auspices which were soon realized in the success of the negotiators<sup>195</sup> in reaching terms of agreement. The American delegates were furnished with the following instructions:<sup>196</sup>

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castaways, fed with difficulty, and the fear of whose misconduct marred the sleep of their commanders. Both paused aghast; both had time to recognize that not the whole Samoan Archipelago was worth the loss in men and costly ships already suffered. The so-called hurricane of March 16th made thus a marking epoch in world history; directly and at once it brought about the congress and treaty of Berlin; indirectly and by a process still continuing, it founded the modern Navy of the States. Coming years and other historians will declare the influence of that."

<sup>195</sup> Sen. Misc. Doc. No. 181, 51st Cong., 1st Sess., p. 7.

The Plenipotentiaries were as follows:

The United States:

MR. JOHN A. KASSON, of Iowa (Former Minister to Germany).

MR. WILLIAM WALTER PHELPS, of New Jersey (Minister to Germany).

MR. GEORGE H. BATES, of Delaware (U. S. Commissioner to Samoa, 1886).

Germany:

COUNT HERBERT BISMARCK (Minister of State, Secretary of State of Foreign Affairs).

BARON VON HOLSTEIN (Actual Privy Councillor of Legation).

DR. KRAUEL (Privy Councillor of Legation).

Great Britain:

SIR EDWARD BALDWIN MALET (British Ambassador to Germany).

CHARLES STEWART SCOTT (British Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation).

JOSEPH ARCHER CROWE (British Commercial Attaché for Europe).

<sup>196</sup> For instructions to the United States delegates see F. R., 1889, pp. 195 ff., also resumé of these instructions as presented by Secretary Blaine to Congress. (Sen. Misc. Doc. No. 81, 51st Cong., 1st Sess., pp. 1 to 6.)

"They were instructed to be governed in the fulfilment of their mission by the most earnest assurance that the Government of the United States desired a speedy and amiable solution of all the questions involved; that, while it would steadily maintain its full equality of right and consideration in any disposition of these questions, it was as much influenced by an anxious desire to secure to the people of Samoa the conditions of a healthy, prosperous, civilized life as it was bound by its duty to protect the rights and interests of its own citizens wherever their spirit of lawful enterprise might carry them; that, in the coöperation of the three governments, the President hoped and believed that frank and friendly consultation would strengthen their respect for each other, and the result prove that it was not the wish of any of them to subordinate the rights of the native Samoans to the exigencies of a grasping commerce, or to the political ambition of territorial extension on the part of any one of the powers maintaining treaty relations with them. They were further instructed that in consenting, at the request of the Emperor of

1. They were to ask for the restoration of the *status quo*<sup>197</sup> "in order that the disturbance of the equal rights of the powers in Samoa, which had been caused by the intervention<sup>198</sup> of Germany and the deportation of Malietoa Laupepa, might be removed—and their footing of equality restored.

2. They were to strive for "the organization of a stable governmental system for the islands whereby native independence and autonomy should be preserved free from the control or the preponderating influence of any foreign government."<sup>199</sup> Any intervention of the three powers should be temporary merely and "avowedly preparatory to the restoration of as complete independence and autonomy as was practicable."

3. They were to secure the settlement of the land question on some equitable and comprehensive basis which would save a reasonable proportion of the territory for the natives.

4. They were to prohibit or regulate the importation and sale of firearms and alcoholic liquors.

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Germany, to reopen at Berlin, the adjourned proceedings of the Conference of Washington of 1887, the President, while thus manifesting his entire confidence in the motives and purposes of the German Government desired it to be borne in mind that the step was the continuance merely of the efforts already made toward an adjustment of pending questions, and not the initiation of a new conference on another basis, inasmuch as the Government of the United States could not admit the conditions directly influencing the deliberations of the conference of Washington to have been changed by any subsequent occurrences in the South Pacific. . . . "

<sup>197</sup> Sen. Misc. Doc. No. 81, 51st Cong., 1st Sess., p. 3.

"The restoration of the *status quo* however, was not to be submitted as an ultimatum which would close the conference or prevent the President from considering any plan put forward as a substitute."

<sup>198</sup> Ibid., p. 3.

"While the President was unwilling to consider that action of Germany, which immediately followed the suspension of the conferences at Washington as intentionally derogatory either to the dignity or the interests of the other treaty powers, yet he could not but regard it, under all the circumstances, as an abrupt breach of the joint relations of the three powers to each other and to the Government of Samoa, and impossible to reconcile with the frank and friendly declaration of the German Government, preliminary to the meeting of the conference of 1887, that it intended to maintain the status as it had theretofore existed and had neither interest nor desire to change an arrangement found satisfactory to the three governments."

<sup>199</sup> Ibid., p. 3.

"Besides these evils necessarily attending the subordination of Samoan independence to any one predominant alien interest, the United States could not consent to the institution of any form of government in those islands, subject, directly or indirectly, to influences which in the contingencies of the future might check or control the use or development of the right acquired on the part of the United States by lawful treaty to establish a naval station at Pago-Pago and to control its harbor to that end."

5. They were to use their own judgment on the subject of renewing the municipal administration of Apia.

The result of the conference<sup>200</sup> was in the main "entirely in accord with the instructions under which the American plenipotentiaries acted."<sup>201</sup> Provision was made first of all that the islands of Samoa should be considered a neutral territory in which the citizens and subjects of the three signatory powers were to have equal rights of residence, trade and personal protection. Neither of the powers was to exercise any separate control over the islands which were recognized as having an independent government. The natives of the islands were acknowledged to have the free right to elect a king or choose their forms of Government according to their own laws and customs. In view of the disturbed conditions in the islands, however, an immediate election was considered inadvisable, therefore it was decided to restore to Samoa as king the former monarch Malietoa Laupepa, who had been recognized by all three powers in former years. It was provided that Malietoa's successor should be duly elected according to the laws and customs of Samoa.<sup>202</sup>

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<sup>200</sup> Ibid., p. 4. There were altogether nine formal conferences held in Berlin between April 29 and June 14, 1889. The results were embodied in an agreement known as the General Act of the Conference of Berlin signed at Berlin, June 14, 1889.

<sup>201</sup> F. R., 1889, pp. 353 ff., also Sen. Misc. Doc. No. 81, 51st Cong., 1st Sess., p. 6 ff.

<sup>202</sup> R. L. S., Vol. XIX, p. 561.

"In the Berlin Act, the three powers recognize, on the threshold, 'the independence of the Samoan Government and the free right of the natives to elect their chief or king and choose their form of government.' True the text continues that, 'in view of the difficulties that would surround an election in the present disordered condition of the Government, Malietoa Laupepa shall be recognized as king unless the three powers shall by common accord otherwise declare.' But perhaps few natives have followed it so far, and even those who have, were possibly cast all abroad again by the next clause, 'and his successor shall be duly elected according to the laws and customs of Samoa.' The right to elect, freely given in one sentence, was suspended in the next, and a line or so further on appeared to be reconveyed by a side wind."

Sen. Misc. Doc., 51st Cong., 1st Sess., Vol. II, No. 81, p. 43. One exception was made in the event of such an election. At Count Bismarck's request it was agreed in the fifth session of the conference (and embodied in the protocol), that in view of the outrages committed upon German soldiers the Chief Mataafa should not be eligible to the kingship of Samoa.

The problem of foreign assistance to the native government was adjusted in the Act by the establishment of a Supreme Court for Samoa under the jurisdiction of a single judge termed the Chief Justice. He was to be nominated by the three treaty powers, or if they could not agree, by the King of Sweden and Norway,<sup>203</sup> and his decisions were to be final. The jurisdiction of the Supreme Court was to include all questions arising under the General Act, including questions of rightful kingship, questions of the powers claimed by any king or chief in the exercise of his office, controversies between the Samoan Government and any one of the treaty-powers, and all civil suits except those of crimes of those foreigners who were still under the jurisdiction of their own consuls.

For the settlement of the land question the General Act provided that all future alienation of Samoan lands to foreigners should, with certain exceptions,<sup>204</sup> be prohibited. To adjust all disputes as to land titles a land commission was to be appointed, to consist of three persons, one named by each of the treaty powers. These were to be assisted by a "natives' advocate," appointed by the ruler of Samoa with the approval of the Chief Justice. The labors of the commission were to be closed in two years or sooner if practicable.

The municipality of Apia was redefined and placed under the jurisdiction of a Municipal Council elected by the residents of the district, and a magistrate appointed by the Council. The consuls were not to be eligible as Councillors but all regulations passed by the Council were to be submitted to them for unanimous approval before becoming laws. Should agreement of the three consuls not be reached, the matter in dispute was to be referred

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<sup>203</sup> F. R., 1889, p. 417. It was first arranged that the Chief Justice of Samoa was to be named by the Lord Chief Justice of England and to be of English professional experience, but the United States Government objected to giving "one of the three signatory nationalities an appointment entailing so much political importance," and made the suggestion finally embodied in this article of the treaty.

<sup>204</sup> F. R., 1889, p. 357 f. Town lots in the Municipality of Apia might still be bought by foreigners, and agricultural tracts might be leased for not over forty years, all purchases and leases to first receive the approval of the Chief Justice.



to the Chief Justice for final decision. The President of the Municipal Council was to be agreed upon by all three powers, or failing this, was to be selected from the nationals of Sweden, the Netherlands, Switzerland, Mexico, or Brazil, and nominated by the ruler of his own nation.

Further agreements were made concerning methods of raising revenue, the regulation of the sale of firearms and alcoholic liquors, etc., and inasmuch as certain of these conflicted with the several treaties of the Powers with Samoa, it was provided that in all cases of such conflict the present act should be considered binding, after the Government of Samoa should have given its formal assent to the Act.

The Conference of Berlin did much to relieve the immediate difficulties of the Samoan question. The negotiations were conducted in a spirit of coöperation<sup>205</sup> and the basic principles being agreed upon by all three nations, there was little serious difficulty in creating a plan of government involving those principles. The

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<sup>205</sup> F. R., 1889, p. 419. Mr. Kasson, American representative, paid the following tribute to Count Bismarck.

"I should neglect a duty, which is both an obligation and a pleasure, if I failed to express on the part of the American plenipotentiaries our appreciation of the important service, which His Excellency, Count Bismarck has rendered by his fairness and impartiality as our presiding officer. The conciliatory attitude which he has maintained, and the friendly spirit in which he has conducted the business of the conference have exercised the most beneficial influence on the deliberations which now touch their end, and demand our frank recognition."

"I believe that I interpret the sentiments of all the plenipotentiaries when I beg His Excellency to convey with him the assurance not only of our high appreciation of the official qualities which he has so usefully displayed throughout our proceedings, but also of the personal traits associated with them which have added a charm to official functions."

Sir E. Malet said:

"On behalf of the British plenipotentiaries I am anxious to say that we most cordially associate ourselves to the expressions which have fallen from Mr. Kasson, and that we desire that his words should be considered as coming equally from us."

Count Bismarck was anxious to express his warmest gratitude for the very flattering words addressed to him by Mr. Kasson and Sir E. Malet. He appreciated and valued very highly the complimentary expressions uttered by them; but he considered that, if the conference had been able to perform work which would prove satisfactory to the governments concerned, it was mainly due to the loyal and conciliatory attitude of each and all of the plenipotentiaries and to the large amount of good work which they had done."

salient feature of the conference was the acquiescence of Germany<sup>206</sup> in the demands of the United States. In response to the request of Secretary Bayard,<sup>207</sup> the warfare against the Mataafa forces was stopped and the losses sustained by German forces in the islands were left unexpiated. The Tamasese government was entirely abandoned. Throughout the Conference equality of representation of the three countries was emphasized and all effort to utilize the "preponderating interests" of Germany in Samoa to obtain special treatment was abandoned. The situation on the islands was relieved by Germany's restoration of the former king Malietoa Laupepa and reestablishment of the *status quo*.<sup>208</sup>

<sup>206</sup> R. L. S., Vol. XIX, p. 555.

"It was agreed so far as might be to obliterate two years of blundering; and to resume in 1889 and at Berlin those negotiations which had been so unhappily broken off at Washington in 1887. The example thus offered by Germany is rare in history: in the career of Prince Bismarck, so far as I am instructed, it should stand unique. On a review of these two years of blundering, bullying, and failure in a little isle in the Pacific, he seems magnanimously to have owned his policy was in the wrong. He left Fangalii unexpiated; suffered that house of cards, the Tamasese government, to fall by its own frailty and without remark or lamentation, left the Samoan question openly and fairly to the conference; and in the meanwhile, to allay the local heats engendered by Becker and Knappe, he sent to Apia that invaluable public servant, Dr. Stuebel. I should be a dishonest man if I did not here bear testimony to the loyalty since shown by the Germans in Samoa."

Secretary Bayard himself testified to this attitude in a letter to Senator Schurz. (From "Speeches," etc., Schurz, Vol. V, p. 16.)

From Thomas F. Bayard.

DEPARTMENT OF STATE,  
WASHINGTON, February 28th, 1889.

"Now that I have succeeded in attracting Prince Bismarck's attention to the real condition of Samoa, I find his views and disposition very much as I expected them to be—moderate and conciliatory. As I wrote you, the shopkeepers at Samoa got hold of official power and abused it, and the scene is so distant that the mischief was done before the facts were known."

<sup>207</sup> F. R., 1889, p. 194.

<sup>208</sup> F. R., 1889, p. 198. If this had not been done, there would have been vigorous opposition on the part of the United States, as is evident from the following instructions to the American delegates.

"The President hopes that these opinions will receive the consideration to which he thinks them entitled. You will submit them to the conference with temperate firmness. If it be urged, as it may be, that this forcible intervention has had consequences which practical good sense cannot disregard, because they can not be undone, you will say that the restoration of *status quo* is necessary to place the treaty powers upon their footing of equality,

The participation of the European nations in the administration of Samoa was focussed in the powers of the Chief Justice, but the disinterested character of that officer was secured by the stipulation that he be approved by all three powers or be appointed by a neutral nation. In transmitting the agreement to the Senate for ratification President Harrison declared,

"I am pleased to find in this general act an honorable, just, and equal settlement of the questions which have arisen during the past few years between the three powers having treaty relations with and rights in the Samoan Islands."

From other viewpoints than that of solving temporarily a difficult diplomatic situation, the Berlin agreement was not so successful. In the first place it was a self-contradictory instrument. Starting out with a broad declaration of the independence of the Samoan Government, it then proceeded to draw up a scheme of administration which gave merely nominal recognition to the native executive and placed all real powers in the hands of foreign officers. For instance, the natives were declared to have the free right to elect their own king according to their own custom, but any question over the rightful election was to be decided by the Chief Justice. Moreover, any question as to the validity of the powers claimed by the native king was also to be decided by that foreign officer. In all civil suits between natives and foreigners the Chief Justice had the final decision and might apply the code of the United States, England or Germany as he thought most appropriate. The municipality of Apia was recreated and placed under the control of the foreign residents there. The Act was therefore

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and does not prevent the treaty powers and Samoa from making any changes in the future which justice and an unselfish interest may suggest as necessary. The desire of the Government of the United States to see *status quo* reestablished as the basis for future deliberation and action in no way commits it to the partisan support of any plan or person.

You will not submit this proposition as an ultimatum which would close the conference or prevent the President from considering any plan which may be suggested as a substitute. But should the proposition be rejected, you will not accept such conclusion except *ad referendum*. You will communicate such result as promptly as possible, and the President will then decide upon the course which he deems it his duty to adopt, and you will be instructed accordingly."

in no sense a guarantee of the independence<sup>209</sup> of the islands but rather a regulation of the foreign limitations placed upon that independence.

From the viewpoint of American foreign policy, the Berlin General Act was exceptional. It committed the United States by formal agreement to active participation with European powers in the administration of a neutral territory many thousands of miles distant from its shores. Even the plan submitted by Secretary Bayard at the Washington Conference, involving, as it did, a much slighter participation of the Powers, was declared by his successor, Secretary Blaine,<sup>210</sup> to go beyond the President's desires and to be out of harmony with the established policy of the United States Government. The General Act, however, was an actual tripartite government,<sup>211</sup> a system which was not only contrary

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<sup>209</sup> F. R., 1894, p. 511. Secretary of State Gresham stated in 1894, in his report on "Affairs in the Samoan Islands:"

"It is obvious that the machinery thus devised for the government of the islands is inaccurately styled an 'autonomous government.' It is true that in the first article of the act the contracting parties declare that they 'recognize the independence of the Samoan Government and the free right of the natives to elect their chief or King and choose their form of government according to their own laws and customs.' This declaration, however, only adds force to the fact that we may look in vain in all the comprehensive framework of the treaty for a single provision that secures to the nominal and unsalaried King or to the natives either independence or any substantial part in the exercise of the Government. All these powers are in reality discharged by foreign officials actually chosen by the treaty powers and backed up by their force and their funds. The so-called 'autonomous government' is more than a joint protectorate. It is in substance and in form a tripartite foreign government, imposed upon the natives and supported and administered jointly by the three treaty powers. Such is the arrangement to which the United States, in the pursuit of its new policy, has committed itself for the purpose of securing the so-called neutrality of these distant islands."

<sup>210</sup> F. R., 1889, p. 201. Referring to Bayard's plan, Blaine declared in his instructions to the delegates to the Berlin Conference:

"This scheme goes beyond the principle upon which the President desires to see our relations with the Samoan Government based, and is not in harmony with the established policy of this Government. For if it is not a joint protectorate, to which there are such grave and obvious objections, it is hardly less than that and does not in any event promise efficient action."

<sup>211</sup> *Ibid.*, p. 202. No provision was made that this government should be temporary in character and preparatory merely to restoring complete self-government to the natives, although the American delegates were instructed that it was the earnest desire of the President that any intervention in Samoa



to American foreign policy but contrary also to the advice of all the commissioners sent to Samoa in 1886. Each of these men had declared that a simultaneous participation of the three powers in the administration of Samoa had been proved to be impracticable and a source of international controversies. No provision was made that this government should be temporary in character, although this was the earnest desire of the American President.

The conclusion of the General Act of Berlin may be considered to complete the second period of the Samoan diplomatic history. The equality of rights of the three nations in the island group had been expressed ten years before in the separate treaties of each power with Samoa. That equality was now made emphatic by formal treaty between the three powers, with the acquiescence of Samoa. During the intervening decade, the commercial and political interests of the three nations in the islands had developed. German commerce there had grown and with the strengthening of German colonial policy, that commerce received increasingly the support of the Imperial Government and its military forces. The United States, through the general increase in its Pacific trade, and through the plans for an isthmian canal, had become increasingly conscious of the importance of these islands to its commercial future in the Pacific. Therefore, the State Department opposed decisively any measures which it considered would in any way jeopardize its status of equality in Samoa and especially its hold over the harbor of Pago-Pago. In instructing the American delegates to the Conference at Berlin, Secretary Blaine had declared<sup>212</sup> that "In any question involving present or future

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should be merely temporary. Lord Salisbury stated in his instructions to the British Plenipotentiaries:

"The reports which have been sent in to their governments by the respective Consuls-General, and the impressions which have been left by past experience in these islands do not leave to us much hope of the successful conduct of affairs by an aboriginal government acting under the simultaneous impulse of three rival but coördinate powers."

(A. & P., 1890, LXXXI (C-5907), No. 9, p. 6.)

<sup>212</sup> Ibid., p. 201. In opposing the plan of placing the islands under any one power as mandatory, the Secretary of State had asserted the following policy:

"The obligation of the Government of the United States in the South Pacific is to protect the rights and interests of our citizens who may be resi-

relations in the Pacific, this Government cannot accept even temporary subordination and must regard it as inconsistent with that international consideration and dignity to which the United States, by continental position and expanding interests, must always be entitled." Great Britain, while maintaining all rights of British subjects and their interests in Samoa, had played the role of mediator between Germany and the United States. Annexation measures had been attempted by the British colonies, particularly New Zealand, but the home government, having come to an understanding with Germany on the division of spheres of interest in the South Seas, had discouraged the aspirations of the colonies and had given sanction to the German policy in Samoa.<sup>213</sup>

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dent there and engaged in any lawful pursuit. We have no desire to dominate, and every wish to develop a stable and just government. If there have been troubles and annoyance, they have not proceeded from any groundless hostility of the Samoan Government or the Samoan people. They have arisen and been fostered into mischievous activity by the avarice and eagerness of competing merchants and land speculators, and the irregular conduct of foreign officials who are, perhaps naturally and excusably but most injudiciously, sympathetic with the prejudices and interests of their immediate constituents, the resident foreigners. To convert the assumed supremacy of any one of these contesting interests into a legalized government of these islands, does not, in the opinion of the President, promise any relief from the embarrassing dissensions which at present disturb the orderly condition of things.

But there are other reasons why the Government of the United States cannot accept this scheme of subordination. The interests of the United States require the possession of a naval station in these remote parts of the Pacific, and by a treaty with the lawful authorities of Samoa they have been put in control of the harbor of Pago-Pago for these purposes. We cannot consent to the institution of any form of government in Samoa subject directly or indirectly to influences which in the contingencies of the future might check or control the use or the development of this American right. Nor can the Government of the United States forget, what we are satisfied the other treaty powers will cordially recognize, that our interest in the Pacific is steadily increasing; that our commerce with the East is developing largely and rapidly; and that the certainty of an early opening of an Isthmian transit from the Atlantic to the Pacific (under American protection) must create changes in which no power can be more directly interested than the United States. And in any question involving present or future relations in the Pacific, this government cannot accept even temporary subordination, and must regard it as inconsistent with that international consideration and dignity to which the United States by continental position and expanding interests must always be entitled."

<sup>213</sup> House Ex. Doc. No. 238, 50th Cong., 1st Sess., p. 61, No. 56.

Mr. Sewall to Mr. Porter.

CONSULATE GENERAL OF THE UNITED STATES,  
APIA, SAMOA, August 15, 1887. (Received Sept. 12.)

"SIR:

I have the honor to report that although, for reasons set forth elsewhere, there has been no meeting of the municipal board since my arrival here, the

In reply to an interrogation concerning the Samoan situation, Sir J. Ferguson, British Under Secretary of State for Foreign Affairs, had declared to the House of Commons in 1888<sup>214</sup> that he could not tell what the future of Samoa would be. The German people formed some of the best colonists in the British possessions. It was not suprising "that the Government of Germany, with people spread all over the world, should have settled to some extent in colonies of their own, rather than altogether in those of Great Britain and the United States." The British people "ought not to view with jealousy the advent of the civilized powers to colonies adjacent to their own." In instructing the British plenipotentiaries to the Berlin Conference, Lord Salisbury declared that the object of Her Majesty's Government in taking part in the conference was merely to secure a stable government which could maintain tranquillity there and that the British interests in Samoa were "commercial and not political."<sup>215</sup>

The German Chancellor openly acknowledged the British-

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union between the British and German consuls in support of the German candidate for municipal magistrate continues. The British pro-consul acts against his personal judgment but under personal instructions to support the German candidate for six months from April last.

These are not the first instructions from the British Government to its representative here that have strengthened the German hand and tended to German domination in Samoa.

As early as April, 1886, Dr. Stuebel, German Consul-general informed Mr. Ruge, the associate German representative on the board, that Count Hatzfeldt had written Berlin that the British foreign office had instructed its representative here to act with the Germans.

In September, 1886, written instructions to this effect were exhibited by the British consul. These instructions went further and instructed him to request the then magistrate, a British subject, to resign. I enclose a copy of an extract from a letter called forth by this action, written by Sir Robert Stout, Premier of New Zealand, to Sir F. D. Bell, agent general for that colony in London.

There is from another source confirmation of English support of the Germans, and indirect encouragement to the rebels here. In a letter referred to in my dispatch numbered 10, written by Meisake, interpreter and clerk at the German consulate, dated June 1, 1887, and addressed to Mataafa, Chief of Atua, it is affirmed that, 'by will of Great Britain and Germany, Germany's desires here will be approved and carried out.'

I have, etc.,

HAROLD M. SEWALL."

(See also inclosure—account of interview between the British Minister, Sir E. Malet, and Prince Bismarck.)

<sup>214</sup> F. R., 1889, pp. 184 and 185.

<sup>215</sup> A. & P., 1890, LXXXI (C-5907), No. 9, p. 6.

German Entente on the colonial question. In an address before the Reichstag in 1889 Bismarck announced:<sup>216</sup>

"In Zanzibar as in Samoa we are in absolute unity with the English Government and with it we are going hand in hand,<sup>217</sup> and I am firmly resolved to hold fast to these relations."

In further emphasis he continued:

"This impression is, according to my political conception, the chief thing—just as in other colonies, in Samoa for example—I hold unquestionably to the accord with the English Government, and to the resolve, as soon as we are in agreement with the same, to go forward together, and as soon as we are that no longer, to refrain or to act with restraint. I consider England as the old,

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<sup>216</sup> V. R., 1889, Bd. III, 27. Sitz., 26. Januar, 1889, S. 618 (B.) and S., 619 (B.). This speech was rendered during the first discussion of a bill concerning slave traffic and protection of German interests in East Africa. (Translation by author.)

<sup>217</sup> A. & P., 1889, LXXXVI (C-5629), p. 279, No. 322. Lord Salisbury took exception to this statement by the Chancellor as liable to misconstruction, and expressed the following modification as his view of the situation.

No. 322. The Marquis of Salisbury to Sir. E. Malet.

FOREIGN OFFICE, January 29, 1889.

"SIR:

In speaking to Count Hatzfeldt today, I referred to the speech delivered by the Chancellor in the Reichstag on Sunday last. I expressed the satisfaction with which I had read the language applied by the Chancellor to the value which he attached to the good understanding between the two governments.

The only comment which it was at all necessary for me to make, other than that of entire sympathy and concurrence, applied to a remark of his Highness, as to the attitude of the two countries with respect to Samoa.

His statement, that in regard to that matter the Governments of Great Britain and Germany were going hand in hand, might be open to misconstruction.

It was entirely correct to say that our views were in agreement as to the arrangement to be put in force for the government of these islands in the future, but in the conflict which existed at present between the German Government and a certain portion of the inhabitants, it could not be said that we were going hand in hand with Germany. We were maintaining an attitude entirely neutral, and were in no degree concerned in or responsible for the action which the German Government thought it right to take.

Count Hatzfeldt expressed himself entirely in accord with me as to the accuracy of the correction and said that he had no doubt that when the Chancellor used that expression, he was speaking of the more permanent arrangement with respect to which the views of the two governments were the same.

I am, &c.,

(Signed) SALISBURY."



traditional ally, with whom we have no conflicting interests; when I say ally, that is to be taken in a diplomatic sense; we have no treaties with England; but I wish to hold fast also in colonial questions to the feeling which we have had with England for at least one hundred and fifty years. (Bravo on the left.) And if it were to be shown to me that we were losing *that*, then I would become cautious and seek to prevent the loss."

The third period of Samoan diplomacy was characterized by the difficulties of putting into operation the stipulations of the General Act.<sup>218</sup> At the base of these difficulties was the reluctance of the natives to submit to a centralized government, or to the restrictions of any government. Being averse to taxes, coercive measures were required to collect these—the warrants of the Supreme Court went unheeded and the Treaty Powers were compelled to send men-of-war to enforce the rulings of the court. In 1893 revolutions broke out again requiring the armed interference of all three of the treaty powers.<sup>219</sup> In order to uphold the rule of Malietoa, and the order of the islands, Mataafa and several insurgent chiefs were deported to the Marshall Islands and retained there at the expense of the three governments. Difficulties also arose concerning the powers of the Chief Justice<sup>220</sup> as in conflict with those of the President of the Municipal Council, who had been given by the Treaty the power to act as adviser to the native king. The relationship of the Chief Justice to the Consuls was also a source of

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<sup>218</sup> F. R., '94, p. 511. For diplomatic correspondence on this period, see also A. & P., 1890, LXXXI (C-5907), and 1893, CIX (C-6973).

<sup>219</sup> F. R., 1894, p. 512 and p. 594 ff. The British and German Governments agreed to disarm the natives by force, but the United States objected on the ground that such measures were unnecessary and likely to frustrate the good effects of the Berlin Conference. (Ibid., pp. 651 and 655.)

<sup>220</sup> F. R., 1894, p. 512. The first Chief Justice, Mr. Cederkranz, was a Swede, appointed according to the terms of the treaty by the King of Sweden and Norway. The President of the Municipal Council was a German subject Baron Senfft von Pilsach. Both of these became involved in difficulties connected with their powers, with questions of currency and the management of the Treasury, etc., and resigned. Mr. Henry C. Ide, an American, former member of the Land Commission, was proposed by Germany and endorsed by all three governments as Mr. Cederkranz' successor in the position of Chief Justice. Mr. Schmidt, former German Vice-consul at Apia became President of the Municipal Council.

difficulty<sup>221</sup> as was the power of the President of the Municipal Council over the native treasury.<sup>222</sup>

The troubles culminated, at the death of the old king Malietoa. Great Britain suggested even before this occurred, that in view of possible troubles arising from this event, the Treaty Powers should consider arrangements for the selection of his successor.<sup>223</sup> The United States maintained that the Berlin Treaty clearly stated the right of the Samoans to elect their own king according to their own custom, and that the United States would abide by this and would support the choice of the people. The British Government concurred in supporting the treaty stipulations, but suggested that the treaty powers through their consuls might arrange the manner of procedure. Germany shared this view, but the United States considered it "undue influence and violation of the treaty." Meantime as an offset to certain groups of the natives, who were assembling against the old king, the former chief Mataafa and his companions were, by agreement of the three powers, brought back to Samoa after signing a promise that they would remain loyal to Malietoa and his successors. At the death of the old king, however, this agreement was ignored and Mataafa claimed the kingship,<sup>224</sup> his opponent being the king's son Malietoa Tanu. Following the provisions of the Berlin Act, the matter was placed in the hands of the Chief Justice, who rendered the decision that Mataafa had at the time of the Berlin Conference been declared to be ineligible for the kingship,<sup>225</sup> which should therefore fall to Malietoa Tanu. The adherents of Mataafa refused to accept the decision, declared war, defeated the Malietoa forces in conflicts involving considerable damage to the property of Europeans, and established themselves in possession of the Government. The Chief Justice and Malietoa Tanu himself were given refuge on

<sup>221</sup> F. R., 1894, p. 735 ff.

<sup>222</sup> F. R., 1895, (2), pp. 1136 ff.

<sup>223</sup> F. R., 1899, pp. 605 ff.

<sup>224</sup> A. & P., 1899, CX (C-9506), p. 2.

<sup>225</sup> Sen. Misc. Doc., 51st Cong., 1st Sess., Vol. II, No. 81, p. 43. This stipulation was brought forward by Count Bismarck during the fifth session of the Conference; it was approved by the British representative, and no objections were raised by the American. See note 202, also A. & P., 1899, CX (C-9506), p. 3.

board the British war vessel. After several conferences between the foreign consuls, the naval commanders, the Chief Justice and the President of the Municipal Council, it was decided to recognize Mataafa and his party, then in *de facto* possession of the government, to constitute the Provisional Government of Samoa, pending instructions from the three Treaty Powers.<sup>225</sup> Notwithstanding this decision, the American and British forces at Apia, desiring to support the decision of the Chief Justice, and thus enforce the provisions of the Berlin Act, gave active assistance to the Malietoa forces.<sup>227</sup> Malietoa adherents were brought from various parts of the island to Apia and furnished with arms and ammunition. For the protection of American and British citizens and property in Apia, marines and sailors patrolled the streets and the American naval vessel "Philadelphia," assisted by the British ships "Porpoise" and "Royalist," opened fire across Apia, bombarding the Mataafa forces behind the town. Damages caused by these activities were later made the subject of international arbitration.<sup>228</sup> The Mataafa forces were in great strength and it was evident that the local officials were unable to control the situation, which meant that the authority of the Berlin Act was being defied. The island affairs claimed, therefore, once more the intervention of the home governments.

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<sup>225</sup> A. & P., 1899, CX (C-9506), p. 3.

<sup>227</sup> Sen. Doc. No. 85, 59th Cong., 1st Sess., p. 9, also F. R., 1899, p. 616.

<sup>228</sup> F. R., 1889, p. 670 ff. By exchange of notes, August 23rd, 1899, the German and British Governments agreed to submit to arbitration the claims presented by individuals or companies for damages inflicted by the military action of British or German officers at Samoa at this time. The United States accepted the invitation to coöperate in this settlement, and became signatory to a convention for this purpose, November 7, 1899. The King of Sweden and Norway accepted the role of arbitrator. The decision rendered by Oscar II, on October 14, 1902 (See M., II, p. 1595 or F. R., 1902, p. 444) was in favor of Germany. The military action of the British and American forces on the islands at the time of the revolution was considered unwarranted, and the British and American Governments were, therefore held responsible for the losses incurred through these activities. The amount of claims allowed was finally placed at \$40,000, of which the United States and Great Britain each paid \$20,000. (See Sen. Doc. No. 85, 59th Cong., 1st Sess., Vol. III.)

By agreement of the three powers<sup>229</sup> a second Samoan Commission was sent to the islands for the purpose of "restoring tranquillity and order therein." Identical instructions<sup>230</sup> were issued to the commissioners, directing them to undertake the provisional Government of the islands, for which purpose they were to exercise supreme authority in Samoa. Consular and naval officers were ordered to submit to their decisions, which were not necessarily to be governed by the Berlin Act. No act of the commissioners, however, was to be valid unless acceded to by all three.<sup>231</sup> After securing temporarily a condition of peace in the islands they were to consider plans necessary for the future government of Samoa or for the modification of the Berlin Act. Though its purpose was, in the main, the same as that of the Commission sent by the three governments to the islands in 1886, the conditions of procedure were very different. The Commission of 1899 was given temporary sovereignty in Samoa, and the unity of action on the part of the three members was not only recommended but required.

The work of the Commission in Samoa was efficient and successful.<sup>232</sup> The two rival native factions were induced to surrender their arms and ammunition to the Commissioners and to disband their forces. The former decision of the Chief Justice that Malietoa Tanu was the rightful king, was upheld as a matter of principle, but to solve the immediate practical difficulties, the office of king was abolished entirely. This met with approval from the natives,

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<sup>229</sup> Witte, Emil, "Ten Years of German-American Diplomacy," p. 54 f. According to Mr. Witte, at this time an attaché at the German Embassy, the suggestion of sending the commission was first made privately by Lord Pauncefote, the British Ambassador at Washington. Von Holleben, German Ambassador, quickly secured the consent of his Government to the plan and also the consent of Secretary Hay. According to this author, Lord Pauncefote wished a simple plurality vote to determine the validity of any resolutions of the Commissioners. Von Holleben, however, insisted that unanimity be secured before action of any kind should be taken.

<sup>230</sup> F. R., 1899, p. 614 ff.

<sup>231</sup> F. R., 1899, p. 615. The Commissioners appointed were as follows:

For Great Britain: Mr. C. N. E. Eliot, C. B., Second Secretary of the British Embassy in Washington.

For Germany: Freiherr Speck von Sternburg, Counselor of Legation and First Secretary of the Embassy at Washington.

For the United States: Mr. Bartlett Tripp.

<sup>232</sup> F. R., 1899, pp. 621 ff.



for whom tribal organization under High Chiefs was the normal form of society, the kingship having been an artificial creation produced under the influence of foreigners. The Commissioners then gave their attention to a careful study of conditions in the islands, the causes for the prolonged difficulties in Samoa and finally agreed upon recommendations which they considered would be "if not entirely satisfactory, at least workable." Using the General Act of Berlin as a basis, they introduced a number of modifications, the most important of which, besides the removal of the native king, were the abolishment of consular jurisdiction, and the establishment of the executive power in the hands of an administrator, to be chosen from some disinterested power and assisted by a council of delegates from the three governments. Having framed this scheme as the best one they could devise under the tripartite principle of control, the commissioners then recorded in their joint report their opinion<sup>233</sup> that "the only natural and normal form of government for these islands, and the only system which can assure permanent prosperity and tranquillity, is a government by one power." The American Commissioner, Mr. Tripp, reëmphazized this viewpoint in his private report to Secretary Hay.<sup>234</sup>

"I am by no means sanguine," he wrote, "that the form proposed will produce the effect desired, for, while I have no doubt that any one of the great powers could easily govern these islands in the manner proposed, I fear their ability to do so when acting together, and I cannot forbear to impress upon my Government not only the propriety but the necessity of dissolving this partnership of nations which has no precedent for its creation nor reason for its continuance. It will produce national jealousies and endanger the friendly relations that have so long existed between the powers. Considerations of national welfare should terminate this unusual alliance at the earliest moment that it can be done with proper regard for the rights and interests of the powers concerned."

A similar stand in opposition to the joint control over Samoa was taken five years previous by Secretary of State, Gresham. Concluding a report to Congress on Samoan affairs,<sup>235</sup> he stated:

<sup>233</sup> F. R., 1899, p. 638.

<sup>234</sup> *Ibid.*, p. 659.

<sup>235</sup> F. R., 1894, p. 513. Earlier in the report (p. 509) Secretary Gresham

"Soberly surveying the history of our relations with Samoa we well may inquire what we have gained by our departure from our established policy beyond the expenses, the responsibilities, and the entanglements that have so far been its only fruits. One of the greatest difficulties in dealing with matters that lie at a distance is the fact that the imagination is no longer restrained by the contemplation of objects in their real proportions. Our experience in the case of Samoa serves to show that for our usual exemption from the consequences of this infirmity, we are indebted to the wise policy that had previously preserved us from such engagements as those embodied in the General Act of Berlin, which, besides involving us in an entangling alliance, has utterly failed to correct, if indeed it has not aggravated, the very evils which it was designed to prevent."

The objections to tripartite control over the island group had many times found expression by British and German officials and special commissioners. Therefore, when after the report of the Commission of 1899,<sup>236</sup> the move was made to dissolve the "entangling alliance," it found favorable sentiment in all three countries.

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gave further expression to his disapproval of the participation of the United States in the administration of Samoa.

"In reviewing this chapter in the history of our relations to Samoa, fraught with so much peril to our 'safety and prosperity,' we look in vain for any compensating advantage. So far as the departure from our early and conservative policy had produced any appreciable result, it had been one of unmitigated disadvantage. It certainly cannot be maintained that the condition of the natives was improved by our interference. On the other hand, no interest of our own had been promoted. The whole trade of the islands is of small value, and of this only an insignificant part is with the United States. We have never found it necessary to interfere in the affairs of a foreign country in order to trade with it."

<sup>236</sup> Thayer, *Life of Hay*, Vol. II, p. 220. Concerning the results of the Commission, Secretary Hay, wrote to Henry White, September 9, 1899.

"We are on the best of terms about Samoa; Sternburg backed up Tripp in everything. It was rather the English Commissioner who was offish. The Emperor is nervously anxious to be on good terms with us—on his own terms, *bien entendu*."

The American Commissioner also wrote of von Sternburg (*F. R.*, 1899, p. 634):

"I cannot speak too highly of the conduct of the German member of the Commission. With one less experienced, less honorable and conscientious, representing the great Empire of Germany, our task would not only have been difficult, but I fear a hopeless and unprofitable one."

The move was made by the German Government. It strongly urged<sup>237</sup> the partition of the Islands, "the United States to retain Tutuila and adjacent islets, and England and Germany to divide the rest." Secretary Hay replied immediately that the President was "disposed to regard this proposition favorably if details could be satisfactorily arranged with due regard to the national interests<sup>238</sup> and to the welfare of the inhabitants." Meantime the German and British governments were negotiating concerning the disposition between them of the remainder of the group—the difficulty being, as Lord Salisbury stated, that there were "three parties to divide and really only two islands to be divided." For after setting apart Tutuila for the United States, the only other island of value was Upolu on which Apia was situated. The result of the negotiations was the conclusion of a preliminary agreement<sup>239</sup> between Great

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<sup>237</sup> F. R., 1899, p. 663 ff.

<sup>238</sup> F. R., 1899, p. 662. The American Commissioner, Mr. Tripp, in his final, individual report to Secretary Hay, expressed the opinion that the American national interest in Samoa centered in the island of Tutuila.

"The importance of the Samoan Islands, however, lies not so much in their commercial advantage as in their geographical location. They are in the great future pathway of commerce, and their importance in this respect can not be overestimated. . . . I cannot impress upon my Government too strongly the necessity of its undivided possession of this harbor (Pago-Pago). It is the only one worthy of the name on the islands. . . . The harbor and the entire island should be under our individual control. A coaling station within the harbor, or the harbor alone would be of little value. The modern coaling station must be fortified, and to do this the adjoining bay of Leone must be had with its connecting peninsula. In short the whole island must be had; and it would, in my judgment, be a wise policy to give our allies and the world to be informed that our interests in Samoa center most closely about Pago-Pago and the island of Tutuila, and that we should not look with favor upon any effort on the part of any nation to interfere with our rights or make them less available for future requirements of the nation, by curtailment of our interests in the harbor or in the island itself. Negotiations between England and Germany have been several times had to exchange the the individual interests of the one for the sole possession of other island properties. So far as I am informed, the proposition has been only to surrender to Great Britain the German interests. This Germany will probably decline to do so long as the German firm retains its interests in the large German plantations; but recently, it is said, large offers have been made by British capitalists for these properties. Should this result be brought about, it would undoubtedly follow that Germany would exchange her Samoan interests for some British island interests, and the United States, which has so long been the buffer power between these two great nations, would be in a position to ask for a severance of the joint rule we have so long maintained contrary to all our former national policies and traditions."

<sup>239</sup> F. R., 1899, p. 665.

Britain and Germany, in which a new settlement of many outstanding colonial issues was made. Both countries renounced their rights over Tutuila and Great Britain renounced all rights in the Samoan group, receiving in return from Germany the renunciation of the latter's rights in the Tonga and parts of the Solomon Islands.<sup>240</sup>

The preliminary agreement between Great Britain and Germany was followed a few weeks later by a Convention of all three powers concluded in Washington, December 2, 1899.<sup>241</sup> The General Act of Berlin and all previous treaties, conventions and agreements, relating to Samoa were annulled. Germany renounced in favor of the United States all rights over the Island of Tutuila and all other islands of the Samoan group east of Longitude 171 west of Greenwich. Great Britain made a similar renunciation in favor of the United States. Reciprocally thereupon the United States renounced in favor of Germany all rights and claims over the Islands of Upolu and Savii and all other Islands of the Samoan group west of Longitude 171 west of Greenwich. It was further agreed that the three signatory powers were to continue to enjoy all privileges in the Samoan group "equal to those enjoyed by the sovereign power in all ports which may be open to the commerce of either of them."

In surveying the Samoan situation as a whole, the conclusion is evident that this outcome though taken on the initiative of Germany was favorable to the United States. Although possessing what the United States Secretary of State acknowledged to be "only an insignificant part" of the trade of the Samoan Islands, it secured full control over a part of the island group which, though less in area than that retained by Germany, contained "the finest harbor in the South Pacific." Secretary Hay<sup>242</sup> considered Tutuila

<sup>240</sup> Thayer, "Life of Hay," Vol. II, p. 281. (See footnote No. 242.)

<sup>241</sup> F. R., 1899, p. 667. The Convention was signed by the following plenipotentiaries:

For the United States: John Hay (Secretary of State).

For Germany: Von Holleben (German Ambassador).

For Great Britain: Lord Pauncefote (British Ambassador).

<sup>242</sup> Thayer, "Life of Hay," Vol. II, p. 281.



to be "infinitely the most important of the islands" and the most useful to the United States, and declared that the United States Navy Department, which had for a long time been anxious for this solution, was delighted with the outcome of the negotiations. In addition to the fact of the value of Tutuila, was the fact that the United States, having little commercial interests in the islands

Hay to Joseph H. Choate.

NOVEMBER 28, 1899.

"I was kept quite in the dark up to the last moment as to the arrangement made between Germany and England. The newspapers have announced, without the least reserve, that England was to keep Samoa and Germany get the Gilbert and Solomon Islands, or, as the boys with a natural reminiscence of the 'opera bouffe,' called them, 'The Gilbert and Sullivan.' I should have been glad if you had squandered a little of the public money, letting me know by telegraph the true state of the case. It is a satisfaction to me to know that Lord Salisbury assured you that equal rights as to trade and commerce would be reserved for the other Powers in Samoa, and of this he was informed by your letter before the German Embassy received the authentic news that the arrangement had been made. Germany, it is true, has been excessively anxious to have the matter concluded before the Emperor's visit to England, and, in the intense anxiety, I am inclined to think they have somewhat lost sight of their material interests in the case. . . .

Our interests in the archipelago were very meager always excepting our interests in Pago-Pago, which was of the most vital importance. It is the finest harbor in the Pacific and absolutely indispensable to us. The general impression in the country was that we already owned the harbor, but this, as you know, was not true. . . . Seeing the intense anxiety of the Emperor that the negotiations should be hastened, I sent at his personal request the dispatches which you have received; assured that all our interests would be safeguarded and knowing also that in case the arrangement proposed was not satisfactory, we always had the power of a peremptory veto. . . .

Our Navy Department has for a long time been very anxious for this consummation, and of course, they are delighted with it. Tutuila, though the smallest of the islands, is infinitely the most important and the most useful to us. The argument from size, which the Sun makes so much of, is hardly worth a moment's consideration. An acre of land at the corner of Broad and Wall Streets is worth something like a million acres in Nevada. The proof that size has nothing to do with the case is that Savaii, by far the largest of the islands, was considered by Germany and by England as entirely worthless. My own opinion is that Germany has the least valuable bargain of the three and that she was led by her sentimental eagerness into a bad trade."

Secretary Hay also gave public expression to his satisfaction over the outcome of the Samoan question in an address before the New York Chamber of Commerce, November 19, 1901.

"We consider our interests in the Pacific Ocean as great now as those of any other power and destined to indefinite development. We have opened our doors to the people of Hawaii; we have accepted the responsibility of the Philippines which Providence imposed upon us; we have put an end to the embarrassing condominium in which we were involved in Samoa, and while abandoning none of our commercial rights in the entire group, we have established our flag and our authority in Tutuila, which gives us the finest harbor in the South Seas."

renounced to Germany, and retaining still equal opportunities to trade there, lost practically nothing in the transfer. Secretary Hay considered that Germany had made "the least valuable bargain of the three," and was probably led into doing it by her eagerness to have the Samoan and other colonial questions settled with the British Government before the Emperor's visit to England. Whatever the reasons, the proposition was the result of an arrangement between Germany and England. The United States merely accepted the offer made by agreement of the other two powers.

The whole of the third period of Samoan diplomacy was characterized by better feeling between the treaty powers in regard to their interests in the islands. Germany, at the time of the Berlin treaty, apparently abandoned all attempts to make her "preponderating interests" the basis of policies of administration in the islands. There continued to be the participation of the white residents of Samoa according to their nationalities in the disputes of native factions. But the representation of the three powers had been fairly well regulated by the Berlin Act, so that, although defective as a means to control the native Samoans, it was not without value in relieving friction between the foreign governments. Its failure, however, as a practical means for maintaining law and order in the islands, gave renewed evidence to the powers<sup>243</sup> of the difficulties of continuing a tripartite government there. There was therefore little opposition when the plan of division was presented by Germany. By the removal of a long continued source of controversy, this solution had a favorable effect on the relations between that country and the United States.

The long history of the Samoan controversy gives a clear demonstration of the contrasting foreign policies of Germany and the United States. With Germany the Samoan Islands and the German commercial developments there were merely a factor of a great expansion system, a factor therefore to be both supported and utilized by the home Government toward that end. The United States' object in the islands was the retention unquestioned

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<sup>243</sup> F. R., 1899, p. XXVI ff. (President McKinley's Annual Message to Congress.)

and unlimited of the harbor of Pago-Pago as a protective point for trade already established between the American west coast and the British colonies, and for the increased trade expected after the building of an Isthmian Canal. The American policy was also directed toward preserving the independence of the islands. As we have seen, therefore, throughout both the negotiations of the home governments and the activities in Samoa, the American policy was on the defensive. The German Government, on the other hand took constantly the offensive in measures in and concerning the islands. The contrast is marked in the treatment of the native Samoans. The German authorities dictated terms to the native kings and did not hesitate to resort to military measures if their terms were not promptly met. The American representatives at no time exacted by force concessions from the Samoans. The different attitudes of the two nations toward self-government were demonstrated. With the Germans the problem was always as to how a strong government could be secured. With the Americans the problem was how an independent native government<sup>244</sup> might be maintained. The Germans do not appear to have misruled the Samoans. Reports from non-German sources testify to the well-kept plantations and the general well-being of the workers, but the rule was to be thoroughly German and favorable to German interests. The rights of the natives did not factor in the measures adopted. The effect was clearly reflected in the measures initiated from time to time by the Samoan chiefs. Several attempts were made by them to secure annexation of the Islands by either Great Britain or the United States. But there is no record of a Samoan king or council appealing for annexation to Germany.

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<sup>244</sup> Root, "Military and Colonial Policy of the United States," pp. 161 and 162. Mr. Root, American Secretary of War, voices clearly the American Government's principles of colonization. In his report for 1899 on Cuba, Porto Rico and the Philippines, the Secretary writes:

"I assume, also, that the obligations correlative to this great power are of the highest character, and that it is our unquestioned duty to make the interests of the people over whom we assert sovereignty, the first and controlling consideration in all legislation and administration which concerns them, and to give them, to the greatest possible extent, individual freedom, self-government in accordance with their capacity, just and equal laws, and opportunity for education, for profitable industry, and for development in civilization."

## CHAPTER VI

### THE SPANISH-AMERICAN WAR

THE years from 1897 through 1900 represent the time of greatest friction between the United States and Germany in the forty-year period under consideration. Dr. Andrew D. White, who was sent on his second mission to Germany in 1897, testifies in his *Autobiography* to the marked change of sentiment in that country from the time of his earlier mission in 1879.<sup>1</sup> At that time the cordial relations of 1870<sup>2</sup> still prevailed. Upon his second arrival in Berlin, however, he found public opinion generally adverse to the United States, and among some classes bitterly hostile. The German press was overwhelmingly anti-American and featured whenever possible accounts of administrative frauds and scandals in the United States. The American press replied in kind, published anti-German articles and editorials, and republished the anti-American editorials from German newspapers.<sup>3</sup> The hostile attitude toward the United States was not confined to the press and to the rival commercial interests, but was shared by men who stood high at German universities and who had once been warm friends of America.<sup>4</sup>

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<sup>1</sup> White: *Autobiography*, Vol. II, p. 144 ff.

<sup>2</sup> See Chapter I, Relations between the United States and the German Empire, 1870.

<sup>3</sup> Witte: *Revelations of a German Attache*, pp. 30 ff. V. R., '98-'00, 30 Sitz., 11 Feb., '99, p. 808.

<sup>4</sup> See Chapter IV, Commercial Relations. Commercial Relations of the United States, 1899, Vol. VII, p. 244. Mr. Frank H. Mason, American Consul General at Berlin, wrote the following comment in his report of September 20, 1899.

"It is not to be denied or overlooked that while the attitude of the Imperial Government towards our country has been uniformly correct, there is in certain business circles here a feeling of enmity and resentment which did not exist prior to 1898. The heavy balance of trade which the United States now



A number of causes combined to create this hostile atmosphere. Fundamental was the increasing economic rivalry between the two countries and the legislative measures enacted by the two governments to protect their rival trade interests seemed to come to a head at this time. The American cattle-raisers and meat-packers were embittered by the German decrees of prohibition against their product, and the American fruit-growers had a similar grievance. American life insurance companies were excluded from Prussia. American lumber and oil interests were protesting at the preferential rates granted by German government-owned railways to products from Austria and Russia.<sup>5</sup> On the other hand German sugar-growers resented the American surtax on sugar from bounty-paying countries which they considered a discrimination. German manufacturers who had considered the McKinley tariff as ruinous to their interests were bitterly hostile over the new Dingley tariff, which went still further. At the same time they were so dependent on American raw materials that they could not retaliate effectively against the United States. The Agrarians were American rivals of long standing and the increase of American food exports increased their opposition and their demands on the government for restrictive measures. There was also a widespread fear of American commercial penetration of Germany and an anxiety over the trade balance in favor of the United States. Almost the only class as such which showed any

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holds against the Fatherland, the decline in textile exports and the sharpened customs regulations against undervaluation, the concessions recently granted to France, and above all, the enormous growth of American manufactured exports, the aggressive competition of American metal and other products in South American and Eastern markets—all these weigh heavily on the hearts of the people here, and will be heard from when the new tariff and treaties come to open debate in the Reichstag. What most enlightened thinkers expect, or at least hope for, is that out of all these mutations will come a broad, liberal, comprehensively framed treaty, or series of treaties, between the United States and Germany, in which all the vexed and irritating questions relating to naturalized citizenship, countervailing duties, and port charges on vessels shall be regulated and liberal justice to imports of food products secured by reciprocal concessions and embodied in permanent conventions between the two countries.”

<sup>5</sup> See F. R., 1896, 1897, 1898 and 1900 for correspondence on these subjects. Also, see Fisk, G. M., in *Journal of Political Economy*, March, 1903, pp. 223 ff., and White: *Autobiography*, Vol. II, p. 158 ff.

sympathy with the United States was that of the Social Democrats and other radicals.<sup>6</sup>

In the political field a number of important questions were still pending. The Samoan situation had not yet received its solution through the division of the islands and was still a source of friction. In China, Germany had taken Kiao-chao and, with the subsequent seizures by the other European Powers, the dismemberment of that empire was threatened and the United States had not yet secured from any of these nations a declaration agreeing to maintain the integrity of China and to establish the "open door" to commerce there.

The most immediate and direct factor, however, in creating unfriendly relations between the United States and Germany at this time was the attitude taken by Germany during the war with Spain. From the very outbreak of the war the public sentiment in Germany was pro-Spanish and the United States was looked upon as the oppressor of a small nation in a war unjustly provoked.<sup>7</sup> The cause of the Cubans, so appealing to the public in the United States, seems to have been totally disregarded. This was true not only in the case of Germany but throughout the continent of Europe, and significant evidence of the general attitude was given in the joint note<sup>8</sup> presented to President McKinley by the repre-

<sup>6</sup> V. R., '98-'00, Bd. I, 3 Sitz., 12. Dez., '98 S., 27 D. Von Halle: "Deutschland und die oeffentliche Meinung in den Vereinigten Staaten," Preussische Jahrbuecher, Bd. 107, 1902, p. 205.

<sup>7</sup> V. R., '98-'00, Bd. I, 3 Sitz., 12. Dez., '98 S., 25 D. White: Autobiography, Vol. II, p. 168. Witte: Revelations of a German Attaché, p. 30 ff.

<sup>8</sup> F. R., '98, pp. 740 and 741.

#### JOINT NOTE OF THE POWERS

WASHINGTON, April 6, 1898.

"The undersigned representatives of Germany, Austria-Hungary, France, Great Britain, Italy and Russia, duly authorized in that behalf, address, in the name of their respective Governments, a pressing appeal to the feelings of humanity and moderation of the President and of the American people in their existing differences with Spain. They earnestly hope that further negotiations will lead to an agreement which, while securing the maintenance of peace, will afford all necessary guarantees for the reëstablishment of order in Cuba.

The Powers do not doubt that the humanitarian and purely disinterested

sentatives of the six powers, Great Britain, Germany, France, Austria-Hungary, Russia and Italy, appealing to him to maintain peace. This note was presented by the powers on the grounds of humanity. President McKinley's reply was in substance that the United States shared their wish for peace, but if it should declare war, it would be on the same grounds of humanity. John Hay, then Ambassador to Great Britain, testified to the anti-American sentiment on the continent, where he declared sympathies were openly against the United States. This he contrasted with English public sentiment, which was predominantly pro-American.<sup>9</sup>

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character of this representation will be fully recognized and appreciated by the American nation.

JULIAN PAUNCEFOTE,  
For Great Britain.

JULES CAMBON,  
For France.

DE WOLLANT,  
For Russia.

HOLLEBEN,  
For Germany.

VON HENGELMUELLER,  
For Austria-Hungary.

G. C. VINCI,  
For Italy."

#### THE PRESIDENT'S REPLY

"The Government of the United States recognizes the good will which has prompted the friendly communication of the representatives of Germany, Austria-Hungary, France, Great Britain, Italy, and Russia, as set forth in the address of your excellencies, and shares the hope therein expressed that the outcome of the situation in Cuba may be the maintenance of peace between the United States and Spain by affording the necessary guaranties for the reestablishment of order in the island, so terminating the chronic condition of disturbance there, which so deeply injures the interests and menaces the tranquillity of the American nation by the character and consequences of the struggle thus kept up at our doors, besides shocking its sentiment of humanity.

The Government of the United States appreciates the humanitarian and disinterested character of the communication now made on behalf of the powers named, and for its part is confident that equal appreciation will be shown for its own earnest and unselfish endeavors to fulfill a duty to humanity by ending a situation the indefinite prolongation of which has become insufferable."

That the note of the Powers was not presented in more vigorous form is said to have been due to the influence of England. A similar address was presented two days later by the same nations at Madrid, supporting the Pope's plea for an armistice. Spain yielded and ordered hostilities in Cuba suspended. (See Benton: "International Law and Diplomacy of the Spanish-American War," p. 89.)

<sup>9</sup> Letters and Diaries of John Hay, Vol. III, pp. 119 ff.

Hay to H. Cabot Lodge.

AMERICAN EMBASSY,  
LONDON, April, 1898.

"DEAR LODGE:

I do not know whether you especially value the friendship and sympathy of this country. I think it important and desirable in the present state of

Germany drew upon herself in particular the resentment of the United States because of her actions in the Far East. Many Americans were convinced that Germany intended to rob the United States of the fruits of victory and seize the Philippines.<sup>10</sup> The immediate cause of this feeling on the part of the public was the Dewey-von Diederichs episode in Manila Bay.

Though extensively featured by the press and causing so much hostile feeling, especially in the United States, the story was not told by the chief actors until fifteen years afterward, when Admiral Dewey published his *Autobiography* and Admiral von Diederichs replied with his own account<sup>11</sup> of the controversy. Admiral

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things,—as it is the only European country whose sympathies are not openly against us. We will not waste time in discussing whether the origin of this feeling is wholly selfish or not. Its existence is beyond question. I find it wherever I go—not only in the Press, but in private conversation. For the first time in my life I find the ‘drawing room’ sentiment altogether with us. If we wanted it,—which, of course, we do not, we could have the practical assistance of the British Navy,—on the *do ut des* principle naturally.

I think, in the near future, this sentiment, even if it amounts to nothing more, is valuable to us.

You may imagine what it is to be, absolutely without light or instruction, compelled to act from day to day on my own judgment, and at no moment sure of the wishes of the Department. What I should have done, if the feeling here had been unfriendly instead of cordially sympathetic, it is hard to say. The commonest phrase is here: ‘I wish you would take Cuba at once. We wouldn’t have stood it this long.’

And of course no power on earth would have shown such patience, and such scrupulous regard for law.”

Ibid. Hay to H. Cabot Lodge.

AMERICAN EMBASSY,  
LONDON, May 25, 1898.

“MY DEAR LODGE:

The state of feeling here is the best I have ever known. From every quarter, the evidences of it come to me. The royal family, by habit and tradition, are most careful not to break the rules of strict neutrality, but even among them I find nothing but hearty kindness, and, so far as is consistent with propriety—sympathy. Among the political leaders on both sides, I find not only sympathy but a somewhat eager desire that ‘the other fellows’ shall not seem the more friendly. Chamberlain’s startling speech was partly due to a conversation I had with him, in which I hoped he would not let the opposition have a monopoly of expression of good-will to America. He is greatly pleased with the reception his speech met with on our side, and says ‘he don’t care a hang that they say about it on the Continent.’”

<sup>10</sup> V. R., '98-'00, 30 Sitz., 11 Feb., '99, p. 791, p. 808.

<sup>11</sup> Von Diederichs: A Statement of Events in Manila Bay: Translated by permission from Marine Rundschau and published in Journal of the Royal United Service Institution, Vol. LIX, No. 437, August, 1914, pp. 421 to 446 inclusive.



Dewey calls his chapter "A Period of Anxiety." The Spanish fleet had been defeated but the battle had depleted Dewey's stores of ammunition to such an extent that he could not have met the emergencies of another engagement, and in this situation he was confronted with the knowledge that a stronger Spanish squadron was on its way and with the realization that another nation was assembling a powerful fleet in Manila harbor. That nation, moreover, was showing itself determined to ignore his authority and inclined to fraternize with the Spanish officials in Manila. Having decided to allow visiting naval vessels every privilege admitted under international law to neutrals in a blockaded harbor, Dewey permitted all foreign ships of war to enter the harbor, insisting only on the right of boarding them to establish their identity. The British, French and Japanese vessels acquiesced, and on their first entrance to the harbor reported to Dewey and asked where they might anchor. German vessels, on the other hand, omitted this etiquette and moved about the harbor as they chose, taking soundings. On its entering the harbor at night Dewey found it necessary at times to halt a German vessel by firing a shot across its bow. The German officers frequently visited the Spanish troops and outposts, where they were paid marked attention—the talk of the town of Manila being that Germany would intervene in favor of Spain. Vice-Admiral von Diederichs himself had paid an official visit to the Spanish captain-general, who returned his call at night. According to Dewey no other senior foreign naval

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Admiral Dewey had not even made mention of the controversy in his reports to the Department. In his autobiography he states (Chap. XVII, p. 252):

"At a dinner given me at the White House upon my return home President McKinley mentioned the repeated statements in the press about the friction in my relations with Vice-Admiral von Diederichs, in command of the German Asiatic squadron."

"There is no record of it at all on the files," he said.

"No, Mr. President," I answered. "As I was on the spot and familiar with the situation from day to day, it seemed best that I look after it myself, at a time when you had worries enough of your own."

Dr. White, American Ambassador to Germany has stated that no explanations of the episode were sought from the German Government by the United States. (Washington Post, April 17, 1907, cited by Latané, *America as World Power*, p. 38.)

officer had made such an official exchange of visits with the Spanish chief of command. Most disturbing to the American commander, however, was the fact of the increasing number of German naval vessels which kept arriving in the harbor. Within one week there were five German men-of-war in Manila harbor, two of them having a heavier displacement than any of Dewey's own ships. Beside these a German transport, the "Darmstadt," had arrived bringing as relief crews for the German vessels a force of 1400 men, nearly equal to the total number of Dewey's own crews. While the "Darmstadt" received Dewey's permission for this transfer, it did not add to the American commander's peace of mind that the transport remained at anchor in the harbor for four weeks. It was in reference to Admiral Dewey's question concerning the presence of the large German force at Manila that Admiral von Diederichs was said to have replied, "I am here by order of the Kaiser, sir."

The subject of actual controversy between the two commanders was the right of the blockading force to send an officer on board each neutral war vessel to establish its identity before permitting it to enter the blockaded zone. This right Admiral Dewey claimed under international law, though he disclaimed any intention of exercising the technical "*droit de visite*" which involved rights of search. Admiral von Diederichs denied<sup>12</sup> this right of boarding neutral war vessels, holding that if a neutral warship was admitted within the zone, then the belligerent had no more authority over the ship than during peace; that there was no requirement to report the arrival of neutrals to the blockading party; that the only requirement was that of an official visit by the officer in command as in time of peace—a duty with which he had complied. Correspondence on the subject was exchanged, in which Dewey quoted several authorities on international law who supported his position. Admiral Dewey then relates that Admiral von Diederichs notified him that he would submit the point to a conference of all senior officers of men-of-war in the harbor, but that

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<sup>12</sup> Von Diederichs: "Statement of Events in Manila Bay," in *Journal of the Royal United Service Institution*, Vol. LIX, No. 437, p. 430.

only one officer appeared, Captain Chichester, the British senior officer. According to Dewey, Captain Chichester held that the American commander was acting entirely within his rights and that he had received instructions from his government to comply with even more rigorous restrictions than Admiral Dewey had laid down. Admiral von Diederichs gave a radically different account of the proceedings, stating that he communicated individually with the French, Austro-Hungarian and Japanese officers, that they agreed with him that the boarding of a neutral war vessel was not permissible and they gave orders to refuse visits to establish identity. In the case of Captain Chichester, the German Admiral's account states that though first agreeing with Dewey, he was later convinced of the correctness of von Diederich's stand.<sup>13</sup> This does not seem in keeping with the subsequent actions of the British Admiral. The controversy was finally settled by a ruling forwarded to the German commander from his home government (upon agreement with the government of the United States) instructing that "for the future, and, as a rule, prior to the arrival of German ships of war before blockaded ports, the names of such ships should be communicated to the commander of the blockading squadron, when all that will be required will be for these to exchange signals with the commander of the blockading squadron or his representative." This ruling thus steered a middle course between the views of the German and American commanders. Admiral Dewey had in the meantime expressed, in an

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<sup>13</sup> Ibid., p. 440.

Describing the interview with Captain Chichester, Admiral von Diederichs wrote:

"He brought with him a . . . work dealing with blockade, and endeavored to prove, by showing me several paragraphs, that Dewey's assertions were justified. In every instance I was able to prove that his book referred only to merchant ships. On being asked, he admitted the phrase 'inquiries necessary to establish identity' as implying 'search for evidence.' I then asked him the question what he would do were an officer of another nation to endeavor thus to act against him, and received the reply, 'I would fire on him.' He then admitted that a search was unpermissible, that only a polite questioning could be allowed, and that this could go no further than the officer questioned chose to allow, and he added: 'If the officer does not take my word for it the worse for him.'"

interview with a young German officer,<sup>14</sup> his rights and intentions in regard to the blockade in vigorous and unmistakable terms and instructed the officer to convey these to Admiral von Diederichs. After this incident, as Dewey himself records, "there was no further interference with the blockade nor breach of the etiquette which had been established by the common consent of the other foreign commanders."

The account of Admiral von Diederichs was written as an answer<sup>15</sup> to that of Admiral Dewey, as a defense of the German

<sup>14</sup> Ibid., p. 438. The young officer referred to was a Lieutenant Hinze. Admiral von Diederichs gives this officer's account of the interview in which, as Hinze describes it, he listened and Dewey talked.

"Then suddenly Admiral Dewey exclaimed angrily, 'Why, I shall stop each vessel, whatever may be her colors; And if she does not stop I shall fire at her, and that means war, do you know, Sir? etc., etc.' When the words 'if Germany wants war' and so on were repeated, I took my departure.

I received the impression from this trivial matter that the explosion material engendered for some time past in Admiral Dewey through mistrust rumors and press reports, was on the point of going off!"

Admiral von Diederichs then comments on this interview as follows:

"Admiral Dewey knew well enough that a declaration of war could not emanate either from him or from me. I put down this behavior toward a young officer, who was interviewing him as the representative of a foreign commander, as due to the burden of his responsibility as commander of the blockading squadron and the nervous strain."

This attitude of excusing Dewey's behavior on the ground of his difficult and unenviable situation at Manila is characteristic of the general tone of the von Diederichs account. Dewey's own account of the interview reads as follows: (Autobiography, p. 267):

"On the following day Vice-Admiral von Diederichs sent a capable, tactful young officer of his staff to me with a memorandum of grievances. When I had heard them through, I made the most of the occasion by using him as a third person to state candidly and firmly my attitude in a verbal message which he conveyed to his superior so successfully that Vice-Admiral von Diederichs was able to understand my point of view. There was no further interference with the blockade or breach of the etiquette which had been established by the common consent of the other foreign commanders. Thus, as I explained to the President, after the war was over, a difference of opinion about international law had been adjusted amicably, without adding to the sum of his worries."

<sup>15</sup> V. R., 1914, Bd. 293, S. 7505, 19. Februar, 1914. After the publication of Dewey's Autobiography, the subject of the Manila controversy was brought by Mr. Erzberger (Center Party) before the Reichstag. In the course of a discussion of the naval budget, Mr. Erzberger spoke as follows (translation by author):

"If I am rightly informed the American Commander proceeds from quite false premises. He speaks of a blockade. I know nothing of the fact that



Admiral's actions at Manila and as an explanation of the presence of the German forces there. Admiral von Diederichs takes up point for point the incidents related by Dewey, and in some cases offers his explanation and in others gives direct contradiction. In the main he stresses the following points: First, that there was no official announcement to him of the establishment of a blockade. The blockade of Manila had been announced to the Spanish Governor-General on May 1, but its contents were first communicated to the German consul, at his request, by the Governor-General on May 10. But that neither to the German commander nor to the German consul was there made directly or indirectly any declaration of blockade from the American side announcing the time of commencement, the limits of the blockaded territory, etc., as required by international law and as carried out by the United States on the coast of Cuba. Secondly, that the intercourse with the Spaniards in Manila was merely that due to Germany's position as a neutral<sup>16</sup> and to the customary official observation of con-

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a blockade was established at Manila, at least nothing of the kind has been published. On the occasion, however, he made against the German officer, the well-known Admiral von Diederichs, quite serious reproaches. Now that is in itself not to be taken so seriously; for when a man has been victor in so great a sea-fight as took place fifteen years ago at Manila (amusement) then he is conscious of himself (*dann fuehlt er sich*); he looks at everything through a magnifying glass. Such things often occur in memoirs. I only wish that these very colored (*tendenzioesen*) representations, which allow our German officers to appear as quite inferior officials who haven't a glimmer or a notion of international law, or of marine law, or of decorum . . . should be confronted with the necessary evidence from official German sources, and that we do not permit this unpleasant impression to be in any way strengthened by our silence. . . . Personally I can still give expression to the conviction that the officer in command of our squadron during the war in the Philippines cannot deserve the slightest reproach. That is my firm conviction and I have reason to express it. But if this is so, then those in official positions should lay aside all timidity and speak the truth."

In reply Admiral von Tirpitz informed the Reichstag that Admiral von Diederichs intended to issue a complete publication of the events of that time. (This was published in the *Marine Rundschau*.)

<sup>16</sup> *Ibid.*, p. 431.

Von Diederichs records that he had two official interviews with the Governor-General:

"I paid an official visit to the Governor-General of Manila just as I did to Admiral Dewey. The Spanish flag waved over Manila and under its folds lived very many Germans and others under the protection of Germany. The Governor-General behaved towards these in an indulgent and friendly manner; but even had this not been the case, I should have regarded it as a

ditions of warfare. Thirdly, that the movement of German ships in and around the harbor was in no way different from that of the vessels of other neutrals. Fourthly, the controversy between himself and Admiral Dewey was soon smoothed over and cordial relations restored.<sup>17</sup> Finally, the presence of the first German war vessels in the harbor of Manila was due to the necessity for the protection of German nationals during hostilities. The presence of the increased force was due to exceptional circumstances

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breach of international etiquette had I, for any trifling reason, omitted to greet the leading representative in the place—of one of the great European nations living in peace with the German Empire. That would have been to behave, not in a neutral, but in a brutal manner. According to agreement, General Augustin returned my visit the same day at the German Consulate."

Von Diederichs was told that the French Admiral did the same but he did not know about the other neutral commanding officers. Concerning the visits of German officers to the Spanish, von Diederichs states (p. 432):

"The officers took a professional interest, as did other neutral officers, in following the course of the operations between the Spaniards and the rebels. I was inclined to sanction the gratification of this wish so long as no breach of neutrality was occasioned. No complaints on this matter reached me. A certain acquaintance with the terrain in which the operations were carried on was acquired by the officers, but in this case there was nothing improper, and no possible injury could be done to anybody but the Spaniards."

<sup>17</sup> Ibid., p. 444. Admiral von Diederichs relates:

"The relations with Admiral Dewey soon took on a more friendly complexion. The Admiral sent me a present of some mutton from a transport bringing frozen meat for the American forces, and owing to the want of fresh meat experienced during the blockade, the change was very welcome. I made a return with a live calf which I had received from Hong Kong. Thus a dead sheep and a live calf formed something of the nature of a sacrifice on the altar of friendship."

The German Admiral then quotes a letter received from Admiral Dewey the following year in reply to von Diederichs' congratulations on Dewey's promotion.

U. S. NAVAL FORCES ON ASIATIC  
STATION FLAGSHIP OLYMPIA,  
MANILA, P. I., 16 April, '99.

"DEAR ADMIRAL VON DIEDERICHS:

I wish to thank you most heartily for your cordial letter of congratulations upon my promotion. It is a great pleasure to me to feel that my advancement is a source of satisfaction to you, and I rejoice that our differences have been of newspaper manufacture.

Hoping to have the pleasure of meeting you again before leaving the station, I am

Very sincerely,  
(Sd.) GEORGE DEWEY,  
Admiral U. S. Navy,  
Com'ding U. S. Naval Force on  
Asiatic Station."

which von Diederichs then proceeds to explain, chiefly on the ground that, it being necessary to maintain one or two vessels there for the protection of German citizens, it seemed advisable to bring the transport and supply ship "Darmstadt"<sup>18</sup> to that port and have the other vessels come from Tsing Tao to the "Darmstadt" for their relief crews and supplies. Realizing that this might awaken unfortunate suspicions, he had taken care to explain to Admiral Dewey the reasons for the presence of the extra ships.<sup>19</sup> In general, von Diederich's account of events seeks to minimize the significance of German activities in the Philippines at that time and to account for the hostile and suspicious feelings engendered by attributing them to Dewey's natural anxiety over his isolated position and to the unfortunate rumors circulated in the town of Manila that Germany intended to come to the rescue of the Spaniards there.<sup>20</sup>

It is difficult to understand Admiral von Diederichs' attitude toward the validity of the blockade in any other light than that of

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<sup>18</sup> Ibid., p. 427. Admiral von Diederichs states that the "Darmstadt" had been ordered to Manila before any intention of the American attack on the Philippines had been issued, and that, being unarmed and filled with recruits and stores, it could only be regarded as a source of weakness because of the protection it required.

<sup>19</sup> Ibid., p. 427. Admiral Dewey asked Admiral von Diederichs if Prince Henry, then about to visit China, were coming to Manila and the Admiral von Diederichs replied in the negative. The German Admiral then continued:

"I then joined in and explained the reason of my arrival and of the coming of two more German ships. The expression, 'I have come here by orders of the Emperor' may then have been used, but only in the sense that only a direct order had brought me there, not a wish to add to the forces before Manila and with the addition of the conjecture that the alarm created among the Germans threatened by the insurgents may possibly have aroused a wish in the highest quarters to obtain from me personally an impartial verdict as to the actual danger of the situation. The expression is used and is, indeed, customary among German officers, since the orders for the movement of the ships on foreign stations are authorized after being reported to His Majesty, and are accepted as Royal Commands. I certainly did not use in their almost threatening sense the words, 'I am here by order of the Kaiser, Sir.'"

<sup>20</sup> Ibid., p. 445.

"A misdirected public opinion in Manila had expressed a wholly unjustified hope of German assistance, and thus a mistrust of Germany's intentions was aroused. Many newspapers, especially those published in English on the East Asiatic Coast, spread abroad all rumors having a mistrustful reference to Germany."

the desire to oppose it so far as technical interpretations would permit. The German admiral even goes so far as to declare that "there was never any 'effective' blockade at Manila." This does not harmonize with Dewey's statement, not contradicted by von Diederichs', that all merchant vessels were stopped at the harbor entrance, informed of the blockade and warned off, unless laden with coal, in which case they were allowed entrance and their cargo purchased for the American squadron. The war vessels of neutral nations were admitted as an act of courtesy. That they so recognized this was evident from their acquiescence in Dewey's measures and their policy of reporting to him on entering the bay and asking him to assign them anchorage. Then, too, the very grounds of the complaint which Admiral von Diederichs addressed to Dewey, namely, that of stopping German vessels with a shot across the bow in order to force them to report is evidence in itself of the effectiveness of the American admiral's blockade. That the German Government did not question its effectiveness<sup>21</sup> is shown in the instructions sent to Admiral von Diederichs directing that German ships before arriving at blockaded ports should report to the commander of the blockading squadron. The German admiral and the officers of the other German vessels seemed determined to ignore Dewey's authority in the bay and the existence of the blockade so far as it was possible to do so.

Three months after the naval battle, Dewey proceeded up the bay for the taking of the town of Manila. The foreign men-of-war were notified to move out of the probable line of fire. The German and French vessels took positions to the north of the city, but the British Captain (Chichester) followed Dewey's fleet near to the town and placed his two warships between the American and the foreign fleet. This act was not only deeply appreciated by Admiral Dewey but was featured and cheered in the American press as evidence of the British sympathies for the United States in the

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<sup>21</sup> Witte: *Revelations of a German Attaché*, p. 31. Mr. Witte states that Dr. A. von Mumm, German minister at Washington during the absence of Ambassador von Holleben, confessed to him privately that in the von Diederichs controversy the fault lay on the German side.



war.<sup>22</sup> This sentiment was supported by Ambassador Hay, who wrote from London<sup>23</sup> to Senator Lodge that if the United States wished it could have the practical assistance of the British navy.

The controversy between the two commanders was of short duration, and would have excited little comment in the United States had it not been interpreted by the American press and public to be indicative not only of anti-American sympathies on the part of Germany but also of that country's intention to annex the Philippines. While there was much opposition in the United States to the retention of those islands by the American Government,<sup>24</sup> still there was greater opposition to having them taken by a strong power which had definitely embarked on a colonial policy in the western Pacific. In the preceding decade Germany had acquired her large colonial possessions in Africa, and in agreement with Great Britain had divided the remaining unclaimed islands of the West Pacific into British and German spheres of interest for purposes of colonization.<sup>25</sup> During the same period she had annexed the north coast of New Guinea and the adjacent

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<sup>22</sup> Dewey: *Autobiography*, p. 280. Admiral Dewey also records the fact that upon this formal notification to the foreign commanders of the American occupation of the city, Captain Chichester was the only commander who acknowledged the notification with a national salute of twenty-one guns.

<sup>23</sup> Thayer: *Life of Hay*, Vol. II, p. 165 (see footnote 9).

<sup>24</sup> Thayer: *Life of Hay*, Vol. II, pp. 198 and 199. Among the opponents of annexation, which was termed "imperialism," were Senator G. F. Hoar, Senator Carl Schurz, Charles Francis Adams, Charles Eliot Norton and Edward Atkinson. Mr. Hay, then Secretary of State, wrote to Mr. Whitelaw Reid November 29, 1898:

"There is a wild and frantic attack now going on in the press against the whole Philippine transactions. Andrew Carnegie really seems to be off his head. He writes me frantic letters signing them 'Your Bitterest Opponent.' He threatens the President, not only with the vengeance of the voters, but with practical punishment at the hands of the mob. He says henceforth the entire labor vote of America will be cast against us and that he will see that it is done. He says the Administration will fall in irretrievable ruin the moment it shoots down one insurgent Filipino."

For the Senate opposition to Annexation see Congressional Record, 55th Cong., 3rd Sess., pp. 733, 921, 1211, 1239, 1241, 1299, 1348, 1349, 1479, 1480, 1485, 1486, 1529, 1678, 1740, 1741, 1830. Senator Schurz believed the Philippines should be placed under a guarantee of neutrality by the powers having interests in the Islands. (See Schurz, *Speeches*, etc., Vol. VI, p. 37.)

<sup>25</sup> See Chapter V, Samoa.

islands. In Samoa the German interests had come into direct contact with those of the United States. Just the year before the Manila episode Germany had taken the port of Kiao-chao in China, extending her influence through the province of Shantung, and the Kaiser's brother, Prince Henry, was at that time paying an official visit to the Orient with his squadron and being feted at Hong Kong.<sup>26</sup> The German Government was openly asserting its power in the Pacific. Moreover, Germany had in the previous decade negotiated with Spain over the Caroline Islands, and, while this controversy resulted in the retention of the islands by Spain, new negotiations were being conducted between Germany and Spain at this time.<sup>27</sup> There would therefore have been nothing contradictory to the policy pursued by Germany up to that time in the inclusion of the Philippines in the colonial program. It was evident that Spain was about to lose the islands. The United States had always shown itself averse to foreign colonies. The Philippines would therefore be unattached. Consequently the American feeling that Germany's aims extended to this island group had natural foundation. Though it seems, therefore, most probable that Germany's colonial ambitions in this region included the Philippines, they were not considered by the Imperial Government<sup>28</sup>

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<sup>26</sup> Dewey: Autobiography, p. 185. Admiral Dewey met Prince Henry frequently during this visit and relates the following:

"Upon one occasion, in discussing the possible outcome of our complications with Spain, Prince Henry remarked that he did not believe that the powers would ever allow the United States to annex Cuba.

'We do not wish to annex Cuba, your Highness,' I answered, 'but we cannot suffer the terrible condition of affairs which exists at present in that island at our very doors to continue, and we are bound to put a stop to it.'

'And what are you after? What does your country want?' the prince asked jokingly on another occasion, in referring to the general scramble for a foothold in the Far East.

'Oh, we need only a bay,' I said jokingly in return, having in mind that this was all the Germans said that they wanted at Kiau Chau. It did not then occur to me that we should be taking Manila Bay permanently."

<sup>27</sup> V. R., 1898-1900, Bd. II, 54 Sitz., 11. Maerz, 1899.

<sup>28</sup> Von Diederichs: Events in Manila, Journal of Royal United Service Institution, Vol. LIX, No. 437, August, 1914, p. 424. Admiral von Diederichs declares in his account that on being ordered to Manila he had no political instructions, that only one utterance from the Foreign Office in regard to the question of the Philippines came to his knowledge. This stated that the

sufficient to warrant direct, open<sup>29</sup> opposition to the policy of the United States in the islands. As a demonstration of her acquiescence in the American authority in the Philippines, Germany shortly after the taking of the town of Manila withdrew her ships, except for one cruiser, from the islands and placed the German nationals and their interests there under the protection of the United States.<sup>30</sup>

That Germany was seeking more islands in this region, however, the Imperial Government made no attempt to deny. The policy became quite clear in the purchase of the Carolines.<sup>31</sup> In March,

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Kaiser had altogether disclaimed any idea of the establishment of a German protectorate over the Philippines. The German Admiral holds that this declaration was probably called forth by the "irresponsible allusions" current against German intentions in the islands.

<sup>29</sup> Witte, Emil: Revelations of a German Attache, p. 61. Mr. Witte then employed by the German Embassy at Washington under the title of "Councillor of Legation," testifies to Germany's *indirect* opposition to the acquisition of the Philippines by the United States. He states:

"I can testify, however, to the fact that between the Filipinos and the Foreign Office in Berlin there was a secret alliance which was brought about by Professor Blumentritt, publicity agent in Prague for the insurgent natives fighting for their freedom.

Only a few days before the German interests in the Philippines were placed under American protection, I received, to translate, or perfect for the press, an official order which Professor Blumentritt had prepared for Count von Buelow about the Filipino uprising. This account contains the most intimate details of the means of defence and reserves of the Filipinos, the ways and means of their arming and equipment, their possessions in munitions and means of sustenance, the personnel of their leaders, etc., etc., and ends with the prophecy that the Americans would never subjugate the Filipinos, who, besides, would be glad to put themselves under a German protectorate. This last remark of the professor explains in part the polite attention which George Dewey and the American fleet received from Admiral von Diederichs.

When I expressed my surprise that the Ambassador should publish such an article at a time when Germany was seeking the protection of America for its interests in the Philippine Islands, I received the following very significant answer:

'We must not allow America to become too large.'"

All support of the Filipinos as against the United States was emphatically denied by Secretary von Buelow before the Reichstag. (See V. R., 1898-1900, Bd. I, 30 Sitz., 11. Feb., '99, S. 794 D.

<sup>30</sup> V. R., 1898-1900, Bd. I, 30 Sitz., 11. Feb., '99, S. 795. F. R., '99, p. 302.

<sup>31</sup> Witte: Revelations of a German Attaché, p. 60. Mr. Witte declares that Germany had Herr Speck von Sternburg to thank for the acquisition of the Carolines. Baron von Sternburg was temporarily in charge of the German Embassy during the war and was on friendly terms with Mr. Roosevelt. The German attaché states that it was through the personal influence of

1899, Dr. Richter (member of the *Freisinnige Volkspartei*) questioned the Government in the Reichstag<sup>32</sup> as to whether it was true, as stated in the foreign press, that the German Government was conducting negotiations with the Spanish Government concerning the sale of the Caroline Islands. Von Buelow, Secretary of the Foreign Office, replied that he was not prepared to report anything definite. He considered, moreover, that there would be little profit in an academic discussion of the question whether the acquisition of these or those South Sea Islands would make for German interests. The situation could first be taken up for consideration after the peace treaty between the United States and Spain should have been ratified.

Later, when the treaty with Spain ceding the Caroline, Pelew and Marianne Islands was brought before the Reichstag,<sup>33</sup> Secretary von Buelow set forth the government's reasons for their acquisition and the relation of these islands to the German policy in the West Pacific. Through the acquisition of the Carolines, he explained, the German possessions in the South Sea were made complete. Up to this time, the Secretary stated, they had formed an extended, disconnected semicircle; now that circle was closed and formed a connected whole. If these islands had gone out of the possession of Spain into the possession of another power than Germany, he pointed out that the German colonial territory (*Schutzgebiet*) in the South Seas would have been split up and its

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von Sternburg with Roosevelt that the United States withdrew the Caroline and Pelew Islands (except Guam) from its territorial claims. Mr. Witte is probably mistaken in this, since at the time of Germany's acquisition of the Carolines (by treaty concluded with Spain, February 12, 1899) Mr. Roosevelt was Governor of New York and could hardly have influenced President McKinley's foreign policy to such an extent.

<sup>32</sup> V. R., 1898-1900, Bd. II, 54 Sitz., 11. März, 1899, S. 1490. At the time of Dr. Richter's question the German agreement with Spain concerning the Carolines had been in existence for a month. It was signed on February 12, 1899. (See V. R., 1898-1900, Vol. III, Anlagen, p. 2503.) Dr. Richter in opposing the purchase of more colonies declared that he considered it self-evident that such a treaty of purchase could not be concluded without the consent of the Reichstag. It is interesting to note that the agreement determining the price and all other considerations was signed the previous month.

<sup>33</sup> V. R., 1898-1900, Bd. III, pp. 2695 ff.



development checked. From the standpoint of German general political interests in the South Seas, therefore, Secretary von Buelow declared that this new extension of the German sphere of power there was useful and necessary and the situation of the newly acquired islands was particularly favorable. Finally he advised that those members of the Reichstag who considered the price too high should remember that in questions of large policy other considerations must be weighed besides the exact value of the territory and number of the inhabitants.

Secretary von Buelow then declared that this present treaty with Spain acquiring the Carolines resembled the treaty with China concerning Kiao-chao and Shantung, in that both treaties were *milestones on the same road* and links of a chain. In both cases Germany had proceeded calmly (*ruhig*), soberly (*nuechtern*) and deliberately (*besonnen*). He said that it had been necessary, however, for the government to see to it that this new acquisition disturbed in no way Germany's relation to other powers. Through timely and cautious procedure (*rechtzeitiges und vorsichtiges Vorgehen*) it had accomplished this, without (as he especially emphasized) obliging Germany to grant any return concessions to anyone. Secretary von Buelow asserted, however, that Germany had had no intention of setting up in the South Sea any opposition to the Americans. In that great region there was room for more than one people and he hoped through the new possessions the Germans would enter into still closer relations with their nearest neighbors there, the Americans and the Japanese. This official utterance a very frank expression of the German national expansion policy in which the recent acquisitions constituted merely milestones of progress. The secretary's speech also gives first indications of the new policy adopted, that of taking into account the factor of the United States.

The relations created with the United States by these events of 1898 to 1900 were made the subject of discussion in the Reichstag.<sup>34</sup>

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<sup>34</sup> V. R., 1898-1900, Bd. I, 3 Sitz., 12. Dez., '98, S. 25 ff.

Fritzen (Center Party) (translation by author).

"In the Spanish-American war the Imperial policy maintained a strict neutrality, and indeed in harmony with the great majority of the German

Most of the speakers admitted the sympathy for Spain which had prevailed throughout Germany, but declared that the Government had observed a careful neutrality throughout the conflict. Secretary von Buelow explained that the government had had during the conflict the double duty of seeing to it that the relations of Germany with both Spain and the United States should remain undis-

people, and even though in this war the sympathies of our nation—I say it quite openly—stood on the side of the weaker and unjustly provoked belligerent (Bravo! in the center and on the right, laughter on the left), nevertheless all the reports of the English and American papers which talk of a violation of the principle of neutrality, especially by our navy, may be rejected as evil inventions."

Dr. Richter (Liberal People's Party) (Freisinnige Volkspartei), S. 27 D.

"I too consider the conduct of the German Government in the Spanish-American war entirely correct, but I am not of the opinion of my colleague Mr. Fritzen that the sympathies in Germany stood everywhere predominantly on the side of Spain. (Very true! on the left)"

Dr. Richter then urged a liberal commercial treaty and policy with the United States.

Von Kardorff (Empire party) (Reichspartei), p. 70 C.:

"In connection with America I should like to refer to a statement which the representative, Mr. Fritzen, made. The representative, Mr. Fritzen, said that in the Spanish-American war the sympathies of the German people were with Spain. To a certain extent Mr. Fritzen is right. It lies in the peculiarity of our national character that, when a weaker (nation) is attacked by a stronger, we are always inclined to take the side of the weaker and in the German nation there existed to a certain extent the feeling that the conflict of poor Spain with powerful America was an unequal conflict. Gentlemen, I admit that I, too, was not entirely free from this conception, but I must say that is a sentimental conception which politically cannot be turned to account. (nicht verwertbar) (very true! on the right).

We must remind ourselves that it is more useful to us that a great aspiring people like the Americans should win the upper hand, especially since the conditions in Spain have shown themselves to be so decadent as has come to light during this war. I hope that we preserve through the future the good relations with the United States which the Prussian government has maintained since the time of Frederick the Great. At first it may have seemed rather startling that the Americans should all at once begin to pursue a quite different policy from that which they were formerly accustomed to pursue; an expansion policy which formerly all American statesmen had opposed. But, gentlemen, I believe that actually it is more to our interests here in Germany that a country like America should enter into competition with all the great powers which compete in the world, and which possess fleets and armies ready for conflict. We have no cause to regret this fact in any way, just as little (cause) as towards Japan. But in the case of America I have, besides, the feeling that it gives me a certain satisfaction to see the Anglo-Saxon, the Germanic stock—for the Americans are in great part Germanic—come forward so powerfully as the Americans have done in the last war. When I hope for a good understanding with America for the future, then I am counting on it that the old Bismarck principle shall be revived, namely, not to mix commercial-political questions with other political questions."

turbed. In the interest of humanity and from the standpoint of international commerce, he stated, Germany would rather have seen prevented a war which inflicted grievous wounds on both sides. Nevertheless, he said, after the efforts toward this end had proved unsuccessful, there remained nothing for Germany to do but to allow things to take their course. The Cuban affair, the secretary stated, did not constitute an actual interest of Germany, nor was Germany called upon to judge who was right and who was wrong in the conflict. Germany, he said, had merely the task of observing a loyal neutrality. That duty, he declared, Germany had fulfilled most conscientiously and never at any stage of the war had the German Government contemplated unauthorized interference in any form. The American ambassador, Dr. White, endorses<sup>35</sup> the statement that the official neutrality stand was correctly maintained by Germany and that the course, especially of the Foreign Office under Count von Buelow and Baron von Richthofen, was all that could be desired. In regard to the Kaiser himself, Dr. White states that never to his knowledge did the monarch show the slightest leaning toward the Spanish, and that, when certain publicists and statesmen suggested measures against the American Republic, the Kaiser quietly but effectively put his foot upon them.

The American Ambassador relates that at the time of the visit of Prince Henry to America the Emperor said to him:

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<sup>35</sup> White: *Autobiography*, Vol. II, pp. 168 and 169.

<sup>36</sup> *Ibid.*, p. 204. For accounts of the British-German controversy as to the actions of both governments in 1898, see Latané "America as a World Power," pp. 63 and 64; also *Review of Reviews*, Vol. XXV, pp. 267 ff.; also the *Nation*, 1902, Vol. LXXIV, p. 141. The following are the references made to this subject in the British Parliament:

*Parliamentary Debates*, Vol. II of Session 11 Feb., 1902, p. 992.

Mr. Norman (Wolverhampton, S.). "I beg to ask the Undersecretary of State for Foreign Affairs, whether Great Britain, through her Ambassadors ever proposed a Joint Note in which the Powers should declare that Europe did not regard the armed intervention of the United States in Cuba as justifiable, and whether in consequence of the refusal of Germany this step was abandoned; and whether he can make any further statement upon the subject."

The Undersecretary of State for Foreign Affairs (Lord Cranborne, Rochester). "No! Great Britain never proposed through Her Majesty's Ambassadors or otherwise any declaration adverse to the United States in regard to their intervention in Cuba. On the contrary Her Majesty's Government declined to assent to any such proposal."

"My brother's mission has no political character whatever, save in one contingency. If the efforts made in certain parts of Europe to show that the German Government sought to bring about a European combination against the United States during your Spanish War are persisted in, I have authorized him to lay before the President certain papers which will put that slander to rest forever." Dr. White adds that "As it turned out there was little need of this, since the course both of the Emperor and his government was otherwise amply vindicated."

The evidence<sup>37</sup> referred to by the Emperor and later published consisted of despatches from the German ambassador at Washington transmitting the joint proposal of the diplomatic corps that a collective note be sent to the United States remonstrating against its intervention in Cuba. The Emperor had written on the margin of the despatches his express disapproval.

There were, however, many contradictory statements issued by the German and British Governments and their representatives in regard to this movement at the opening of the Spanish war. The German ambassador had accused Lord Pauncefote of being the leader of the movement. Lord Cranborne, British Undersecretary of State for Foreign Affairs, denied categorically before

Parliamentary Debates, Vol. III of Sess. 14 Feb., 1902, pp. 38 and 39.

Mr. Charles Hobhouse: "On behalf of the honorable member for South Wolverhampton, I beg to ask the Undersecretary of State for Foreign Affairs whether he is able to recall any statement concerning a meeting of Ambassadors at the British Embassy in Washington in April, 1898."

The Undersecretary of State for Foreign Affairs (Lord Cranborne Rochester). "The meeting which took place on the 14th April, 1898, was convened by Lord Pauncefote as Doyen of the Ambassadors at the verbal suggestion of some of his colleagues. Whatever opinions were expressed by Lord Pauncefote during the discussion, which was of an informal character, were personal to himself and not in pursuance of any instructions from Her Majesty's Government. The discussion resulted in an agreement by the Ambassadors to forward an identical telegram to their respective governments suggesting a further communication to the United States. On the receipt of this message, Her Majesty's Government at once replied objecting to the terms of the proposed communication as injudicious. Two days later Lord Pauncefote was informed that Her Majesty's Government had resolved to take no action. We had at that time no information of the attitude of the German Government."

Mr. Dillon. "Is the noble Lord prepared to state whether the official German statement as to what has taken place is correct or incorrect?"

Lord Cranborne. "I have nothing to add to the answer I have just given to the House."

<sup>37</sup> Latané: *America as a World Power*, pp. 63 and 64; also *Review of Reviews*, Vol. XXV, pp. 269 ff.



the House of Commons that Great Britain had ever proposed any declaration adverse to the United States in regard to their intervention in Cuba, and had, on the contrary, refused to agree to such a suggestion. A few days later Lord Cranborne, on being interrogated in regard to the German Ambassador's accusations, replied that the meeting of diplomats in Washington was convened by Lord Pauncefoot at the suggestion of some of his colleagues because he was Doyen of the diplomatic corps and that any opinions that may have been expressed by the British ambassador at that time were personal ones and not based on instructions from his government. Whatever the facts at that period, it is evident that both governments did reject the proposal and that both were most eager at this period after the war to show that they had done so.

Again, apropos of Germany's official neutrality in the war, Dr. White records<sup>38</sup> that on one occasion the German authorities overhauled and searched at the mouth of the Elbe a Spanish vessel suspected to be carrying arms for use against American forces in Cuba. This action Dr. White took pains to make known in a speech at an American Fourth of July celebration in Leipsic. On the same occasion he reminded his audience, as he was in the habit of doing, that during the Civil War, when America's foreign friends were few, the German press and people had been steadily on the side of the Union.

It is evident that the American ambassador and the German Secretary of the Foreign Office were both bending their efforts<sup>39</sup> toward counteracting and dissipating the hostile sentiments engendered between the two countries during the war. Baron

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<sup>38</sup> White: Autobiography, Vol. II, pp. 168 and 169.

<sup>39</sup> White: Autobiography, Vol. II, p. 139. Dr. White writes of the German Secretary of the Foreign Office:

"With the multitude of trying questions which pressed upon me as ambassador during nearly six years, it hardly seems possible that I should be still alive were it not for the genial hearty intercourse, at the Foreign Office and elsewhere, with Count von Buelow. Sundry German papers, indeed, attacked him as yielding too much to me, and sundry American papers attacked me for yielding too much to him; but both of us exerted ourselves to do the best possible, each for his own country, and at the same time to preserve peace and increase good feeling."

von Buelow made a long speech in the Reichstag<sup>40</sup> on the special subject of the relations between Germany and the United States. After reiterating the strictly neutral course followed by the empire, he declared emphatically that the presence of German ships at Manila was actuated by no other motive than the obligation to protect German life and property and that of the subjects of other nations who had been placed under German protection. The accusation of the foreign press that Germany was supporting the resistance of the Filipinos against the American occupation<sup>41</sup> he declared to be absolutely false. The reports of tension between the German and American officers at Manila the Baron termed myths, and he asserted that their intercourse was conducted in the spirit of mutual courtesy. He pointed out that after the close of hostilities Germany had withdrawn all her ships except one cruiser from the Philippines because she was convinced that the Germans would be safe under the protection of the United States. The Secretary then declared that the relations between the German Government and the American Government were good and friendly and had never ceased to be such. The distinguished representative of the United States at Berlin, Mr. White, had testified to this in his speech on the Fourth of July. From the standpoint of rational policy the Secretary declared there was no reason why Germany and America should not stand toward each other in the

<sup>40</sup> V. R., 1898-1900, Bd. I, 30 Sitz., 11. Feb., '99, S. 794 D ff.

<sup>41</sup> Schurz: Speeches, etc., Vol. VI, p. 37.

NEW YORK, January 16, 1899.

TO CHARLES FRANCIS ADAMS, JR.

"As to the intention of Germany to pounce upon the Philippine Islands as soon as our forces are withdrawn, nothing could be more absurd. I became firmly convinced of this by a conversation I had, immediately after his return from Europe, with the German ambassador Mr. von Holleben. He gave me the most ample proof that the German Government did not only not intend to cross our purposes in any way, but that it was on the contrary bent upon doing its utmost to remain on friendly terms with the United States. It seems to me the true policy is for the United States to secure an agreement of the powers most interested in that region to put the Philippine Islands under the cover of a guarantee of neutrality, as Belgium and Switzerland are covered in Europe.

The only Power that might feel inclined to frustrate such a scheme might be Great Britain who would like to force us to take the Philippines for good and thus become dependent in a sense, upon her protection."

best relations. He saw no point at which German and American interests met in hostile manner, and also, in the future, no point where their lines of development need cross in hostility. Germany, he said, in no way begrudged the Americans the fruits of their victory. But German public opinion, the Secretary explained, had not withheld from the brave and sorely tried Spanish people the expression of its sympathy, and this expression would not have been misconstrued in the United States if certain foreign press organs had not perfidiously distorted it in order to create in America distrust of Germany. The Baron then concluded with references to the volume of commercial and social intercourse between the two countries, and to their friendly political relations throughout their history.

It had become evident to German leaders that the danger of a strong anti-German sentiment in the United States was a real one, and that it would be harmful to allow it to make further headway. They realized that the friendliness of the German public opinion toward the Spaniards had been a political mistake<sup>42</sup> and that in the meantime the great rival England, had made progress in winning American favor. The American Secretary of State John Hay was known to favor close relations with England<sup>43</sup> and to

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<sup>42</sup> Von Halle: "Deutschland und die öffentliche Meinung in den Vereinigten Staaten," Preussische Jahrbücher, Vol. 107, 1902, p. 205.

"Like the friendly attitude towards the Transvaal in 1896, so was the unfriendly attitude of German public opinion towards America at the outbreak of the Spanish war, undoubtedly a political mistake. The latter is the more inexplicable since it concerned a war with Spain, that country which from the thirty years' war on to the refusal of the German-Spanish commercial treaty a few years ago, has mostly confronted Germany as an opponent. It stands immeasurably further from the German realm of custom, culture and interests than does the United States, and its wretched colonial administration gave really no cause for any sympathy."

<sup>43</sup> Ibid., p. 207. Thayer: Life of Hay, Vol. II, p. 221.

Mr. Hay wrote to Henry White September 24, 1899:

"As long as I stay here no action shall be taken contrary to my conviction that the one indispensable feature of our foreign policy should be a friendly understanding with England. But an alliance must remain, in the present state of things, an unattainable dream."

Ibid., p. 248. Secretary Hay wrote to Henry White, November 21, 1900, *apropos* of the German-British agreement over China:

oppose Germany. In the most recent events in Samoa the British and American forces had combined against the German.<sup>44</sup> The British had shown sympathy with the United States in the recent war and had encouraged the Americans to retain the Philippines.<sup>45</sup> It was therefore very clear that Germany must take steps to undo as far as possible what harm had been done and to endeavor to build up in the United States a sentiment in favor of Germany.<sup>46</sup>

The speeches of Baron von Buelow, referred to above, might be considered to mark the opening of this policy which was conducted along many lines during the next decade. One of the lines of procedure was hostility to England and the effort to make it appear that not Germany but Great Britain was the real enemy of the United States.<sup>47</sup> Another method was the cultivation of the

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"At least we are spared the infamy of an alliance with Germany. I would rather, I think, be the dupe of China, than the chum of the Kaiser."

See also von Halle: "Deutschland und die oeffentliche Meinung in den Vereinigten Staaten," in *Preussische Jahrbuecher*, Vol. 107, 1902, p. 207. Von Halle refers to Hay as an undoubted Anti-German and an Anglophile "ein zweifelloser Deutschengegner und Anglomane."

<sup>44</sup> See Chapter V, Samoa.

<sup>45</sup> Congressional Record, 55th Congress, 3rd Session, Vol. XXXII, Part I, p. 737. Senator Bacon, of Georgia, declared that the reason Great Britain was anxious to have the United States retain the Philippines was that, in case of a war of the powers over China the United States could lend her effective aid from this important base of operations. Senator Schurz held the reason to be so that the United States would become dependent on British sea-power.

<sup>46</sup> Thayer: *Life of Hay*, Vol. II, p. 220. Secretary Hay wrote to Henry White Sept. 9, 1899:

"The Emperor is nervously anxious to be on good terms with us—on his own terms, *bien entendu*."

Von Buelow: "Imperial Germany, p. 50. Prince von Buelow gives frank acknowledgment of this new policy adopted by Germany.

"During the Spanish-American War a section of German public opinion manifested strong sympathy with Spain, which was resented in the States. German relations with America had also been clouded by the way in which part of the English and American Press had interpreted certain incidents which had occurred between our squadrons and the American fleet off Manila. This difference reached its height in February, 1899, so that it seemed desirable strongly to advocate preparations for a better understanding between the two nations of kindred race."

<sup>47</sup> Witte: *Revelations of a German Attaché*, p. 39. Mr. Witte, appointed as Press Attaché of the German Embassy in Washington, writes:



German-American element as a nucleus for the creation of public sentiment favorable to the Fatherland.<sup>48</sup> Americans in Germany were given cordial reception. A direct cable to Germany was landed in the United States. A special collection of casts of medieval German architecture and sculpture was presented by the Emperor to Harvard University. The daughter of the American President was requested to christen the Kaiser's yacht. The brother of the Kaiser was sent to visit the United States.<sup>49</sup> The following year the American squadron was very cordially entertained at Kiel.<sup>50</sup> The German Ambassador von Holleben,

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"In entering upon my duties I received general instructions to make every effort to make the papers keep silence, which were antagonistic to Germany, and to perform the miracle of turning them from bitter opponents to friends and admirers of the Emperor, as well as to make it appear that the real enemy of the United States in America was not Germany but England."

<sup>48</sup> Ibid., Chap. XXII. Thayer: *Life of Hay*, Vol. II, p. 378.

<sup>49</sup> F. R., 1902, pp. 422 to 425. Mr. Jackson, Secretary of the American Embassy at Berlin, wrote to Secretary Hay after the visit of Prince Henry as follows:

BERLIN, March 19, 1902.

"As already stated, in no responsible quarter is it anticipated that Prince Henry's visit will have any definite political or commercial result, but confidence is felt that 'it will bear beautiful flowers, if not fruit,' that the efforts of those opposed to our having closer relations with Germany will be less liable to do harm; that the transmission of news will be more direct, and the efforts to exaggerate the importance of every irresponsible, unfriendly statement may be discontinued; and that the consideration of international questions—political and economic—will be approached with mutual feelings of friendliness. Prince Henry's visit has been described as the 'rediscovery of America' and one of its results has been to open the eyes of Germany generally to the growth and importance of the United States. Increased acquaintance with the United States is warmly advocated in important educational and industrial circles as being of reciprocal advantage and it is probable that in the future many more Germans of 'the better classes' will visit America as tourists than heretofore. A more intimate acquaintance with the United States and a better knowledge of our people, our institutions, and resources cannot fail to be of advantage to Germany and the rest of Europe, and it is hard to see wherein it can be otherwise than beneficial to us as well."

Mr. Witte presents a different account and writes (see preface) that the visit of Prince Henry actually terminated in a diplomatic incident—by which he refers to the dismissal of Ambassador von Holleben immediately after the departure of the Prince.

<sup>50</sup> F. R., 1903, pp. 449 and 450. On this occasion Ambassador Tower said in the course of his speech:

"Mutual understanding between nations, as between individuals, is best attained by personal intercourse which leads to better acquaintance; and it is the happy outcome of an occasion like this that strengthens the bond of

who had been unsuccessful in his diplomatic dealings with the Government of the United States, was recalled<sup>51</sup> and Baron von

friendship, which, in the case of the two great powers like Germany and the United States, is a benefit to the whole civilized world. The efforts of Germany and the United States are constantly tending toward the same purposes in the development of civilization, the extension of commerce, and the peace of the world. The closer our personal acquaintance becomes, the more we are sure to discover how near our paths lie to each other, how readily we may follow them together, and how much we have each to gain by the maintenance of harmony in the future, as in the present and the past. America wishes this, sir, with all sincerity.

There are hundreds of thousands of people of German birth and German extraction living in the United States who look back from their new home with feelings of tender affection toward the Fatherland. They are among the best of our citizens. They bring with them to us the habits of thrift and industry and the high ideals of domestic life which they have inherited from their ancestors, and which have contributed so much to make America what it is."

The Emperor replied as follows:

"In responding to your excellency's warm and sympathetic toast, I offer a cordial welcome to the American squadron, Admiral Cotton, and his officers, in the name of the German people. We look upon them as the bearers of friendly sentiments of the citizens of the United States, to which I can assure your excellency, the whole of Germany heartily responds. I am happy that my hopes for a better mutual understanding between our two countries, through the personal intercourse which my brother, Prince Henry, was able to hold with your excellency's countrymen, have been fully realized and have strengthened the bonds of friendship between Germany and America. That my gift of the casts of medieval German architecture has been received in so gracious a manner by the Harvard University gives me the greatest satisfaction. I hope that the samples relating to our old history will induce many of the young students to come over to Germany to study the originals and the people who lived around them. My sincerest wish is that our two peoples may become closer acquainted. No serious citizen in America or Germany, I trust, believes that the harmony and continuance of our mutual interest could be disturbed by permanent factors in our relationship. We are knit too closely together in our material interests. Rivalries of trade and commerce will always exist, but the power which draws us together is too strong to allow the development of any antagonism. It is my firmest conviction that the fact of so many hundreds of thousands of Germans living and thriving in the United States, with their hearts still warm with their love of their Fatherland, will render the task more easy for smoothing the path of undisturbed and progressive relations which are of vital importance to our countries. It is now my duty to beg your excellency to thank His Excellency the President of the United States for the joyous occasion for which we are indebted to his kindness. We all over here admire his firmness of character, his iron will, his devotion to his country, and his indomitable energy, and we readily grasp the hand proffered to us across the sea in cordial friendship, feeling at the same time that blood is thicker than water.

Gentlemen, I propose the toast of His Excellency the President of the United States. God bless him and the United States."

<sup>51</sup> Thayer: *Life of Hay*, Vol. II, p. 293. Mr. Thayer assigns von Holleben's recall to his activities against England in the United States and his insinuations against the British Ambassador, Lord Pauncefote. According to Mr. Witte, von Holleben was dismissed because of intrigue. See Chap. XVIII.

Sternburg, who was personally on very friendly terms with President Roosevelt, was appointed in his place. Connections with the universities were encouraged and the system of exchange professors established. The Emperor presented to the United States a statue of the father of German-American good-relations, Frederick the Great. In recognition of this, a few years later, Congress presented<sup>52</sup> to the German Emperor and the German nation a statue of General von Steuben.

In addition to these forces set in motion the solution of several diplomatic controversies helped to create an era of better feeling. The Samoan situation had been terminated in a way satisfactory to both countries. Secretary Hay had secured from Germany at least a provisional acquiescence in the policy of the "open door" in China, which was followed through agreement between Germany and England by a more positive declaration of adherence to that principle. Temporarily commercial relations had been regulated by diplomatic agreements. Such efforts as these were not without results and produced, especially during the Roosevelt administration<sup>53</sup> favorable sentiment toward Germany in the United States, which to a certain extent overcame the hostility aroused during the Spanish-American war.

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<sup>52</sup> F. R., 1911, p. 243.

<sup>53</sup> Von Halle: Deutschland und die oeffentliche Meinung in den Vereinigten Staaten, Preussische Jahrbuecher, Vol. 107, 1902, p. 210 (transl. by author).

"From this viewpoint the presidency of Roosevelt—disturbed as were the circumstances which attended his entrance into office—is to be considered in Germany as thoroughly satisfactory. For thereby there came to the head of the government a wise, farsighted man, who through his own observation and knowledge is well acquainted with Germany, and, being a stronger character than McKinley, will hardly offer his hand to have the American policy work for the interests of one foreign country against those of another."

## CHAPTER VII

### GERMANY AND THE OPEN DOOR IN CHINA

AFTER the Monroe Doctrine perhaps the most conspicuous feature of the foreign policy of the United States is that of the principle of the "open door" to commerce in the Chinese Empire. It is important, therefore, in studying the relations between Germany and the United States to consider the policy of the German Government toward this principle so repeatedly enunciated and acted upon by the American Government.

Though no new idea, the principle received its first specific and expressed application as an American policy in China during the year 1899, and because of his earnest efforts in its behalf, has been associated with the name of the American Secretary of State John Hay. The immediate events giving rise to Secretary Hay's first approach to the European powers on this question were the acquisition by Germany, Russia, England and France of Chinese harbors<sup>1</sup> and the division of China by those powers into "spheres of interest" for their commercial enterprises.<sup>2</sup>

German acquisitions in China began with the seizure in 1897 of the harbor of Kiao-Chao on the ground of the murder by Chinese of two German missionaries. The diplomacy connected with the event, however, extended back to the close of the Sino-Japanese war in 1895, when Germany, France and Russia had intervened in favor of China and had forced the victorious Japanese to give

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<sup>1</sup> F. R. 1898, pp. 182 to 191. During the year 1897 to 1898, Germany acquired the harbor of Kiao-Chao, Russia acquired Port Arthur and Talienswan, Great Britain acquired Wei-hai-wei and extensions to her possessions in Hong-Kong, and France acquired Kwangchau Bay in the Province of Kwangtung. See also, A. & P. '98, CV (C-8814), Nos. 95, 133 and 141, 144 and A. & P. '99, CLX (91317), No. 17. Japan also obtained a small concession at Amoy. F. R. 1899, pp. 150 to 153.

<sup>2</sup> F. R. 1899, pp. 129 ff.



up possession of the Liao-tung Peninsula. For this act it was tacitly understood by these powers—and realized by China—that some tangible compensation was expected.<sup>3</sup> The German Secretary of the Foreign Office had declared that there was no connection between the intervention in 1895 and the acquisition of Kiao-Chao.<sup>4</sup> This was contradicted, however, in the Reichstag by Dr. Richter (Liberal People's Party) and by Dr. Hasse (National Liberal), who, as spokesmen of their parties, declared the cession of Kiao-Chao to be a reward for the former intervention against Japan. Conclusive evidence of this is seen in the report of the Chinese officials (Tsunqli Yamen) concerning their negotiations with German minister, Baron Heyking, who give as among the grounds set forth by Germany for her demands the fact of her assistance to China in securing the evacuation of the Liao-tung Peninsula by the Japanese.<sup>5</sup>

There was little attempt by the German Government to conceal the fact that the event of the murder of the two German missionaries was merely chosen as a fitting occasion to secure that which it had become a part of deliberate German policy to secure, namely, a foothold in China, or, in the famous words of Secretary von Buelow, a "place in the sun."<sup>6</sup> The secretary declared that the

<sup>3</sup> A. & P. '98, CV (C-8814), No. 114. Count Mouravieff said to Sir N. O'Connor that Russia considered that China owed her the ports of Talienwan and Port Arthur in return for her services to China during the war with Japan.

<sup>4</sup> V. R. 1897-1898, Bd. II, 35 Sitz., 8. Februar, '98, S. 893, B. and S. 909, A. Dr. Hasse stated that he and his friends had been waiting for years to see in what way Germany would be recompensed for her action at that time (1895). It was therefore no longer a secret (as it had to be for years) that Germany wanted to have a reward for placing herself on the side of China.

<sup>5</sup> F. R., 1898, p. 189.

<sup>6</sup> V. R., 1897-'98, Bd. I, 4 Sitz., 6. Dezember, 1897, S. 60 (translation by author).

"The time when the German left to one of his neighbors the earth and to the other the sea and reserved for himself the sky where pure theory reigns (amusement! Bravo!)—that time is past. We consider it as one of our most distinguished tasks to advance (foerdern) and to take care of (pflegen) the interest of our navigation, our commerce and our industry in Eastern Asia.

The sending of our squadron to the bay of Kiao-Chao and the occupation of this bay was done partly to secure full amends for the murder of German Catholic missionaries, partly to obtain greater security than heretofore against the repetition of such events. . . .

We must insist that the German missionary and German enterprise, German

sending of the squadron to Kiao-Chao was not an improvisation;<sup>7</sup> on the contrary, that it was the product of the full weighing of all contingencies and was the expression of a calm policy conscious of its goal. For the future, von Buelow declared Germany would proceed without undue haste, but also without petty narrowness, steadily, deliberately, step by step, not as conquest seekers, also not as calculators, but rather as efficient and wise merchants who, like the Maccabees of old, hold in one hand a weapon but in the other a trowel and a spade.

This deliberate expansion policy of the German Government, with its complete ignoring of the rights of China in the case, did not escape unchallenged in Germany. The radical elements of the Reichstag attacked it with vigor and courage. Mr. Bebel,<sup>8</sup>

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goods, the German flag and the German ship in China be respected just like those of other powers. (Hearty bravo!) Finally we are gladly ready to take into account the interests of other great powers in East Asia, in the secure foresight that our own interests will also find their due appreciation. (Bravo!) In a word: we wish to place no one in the shade, but we too demand our place in the sun."

<sup>7</sup> V. R., 1897-'98, Bd. II, 35 Sitz., 8. Februar, 1898, S. 895 A. Also A. & P. CV (C. 8814), No. 74.

<sup>8</sup> V. R., 1897-'98, Bd. II, 35 Sitz., 8. Februar, 1898, S. 899. See also vehement speech against the Government expansion policy by Liebknecht (Social Democrat), V. R., '97-'98, Bd. III, 76 Sitz., 27. April, '98, S. 1981. Liebknecht—(translation by author).

"I have noticed that there is no inclination to discuss in detail the supplementary budget nor to examine closely the general policy. But I cannot comply with this desire. I perceive in the part of the supplementary budget, so far as it pertains to Kiao-Chao, the beginning of a policy which can only become fatal to Germany. Kiao-Chiao itself is an extraordinarily unimportant thing of little intrinsic value. By means of remarkable advertising the imagination of the German people has been kindled for this corner of the earth and there are actually many people in Germany who imagine that we have in Kiao-Chao something wonderful. . . .

Let us recall how we came to Kiao-Chao at all; and here we must touch on a point which must make every German blush before the foreign world (den Ausland). Who had thought of Kiao-Chao a half year ago? Who, a year and a half or two years ago, had thought that Germany must have a fleet large enough to rival France, Russia, if not even England, as a sea-power? No one among the people had thought of it and here in the Reichstag itself only a few had thought of it; those who timidly came forward with the thought were in a disappearing minority. Suddenly a complete reversal! Was it, as has just been stated here, a reversal within the German people? Truly not. The German people whom we know does not bother itself about Kiao-Chao and this colonial policy and fleet policy in the least. It rejects them. . . .

What is to be made out of this piece of territory? Without the hinterland it is absolutely worthless. And what was the role which Germany played

Social Democrat, compared the descent of the German squadron on Kiao-Chao to the Jameson raid on the Transvaal which Germany had so condemned and which had called forth the Kaiser's telegram of sympathy to the Boer President. He then stated that there would have been nothing to be wondered at if some third nation had at this time sent a similar telegram of sympathy to the government of China. The German troops had no right on Chinese soil, and if the Chinese had forcibly ejected them they would have had good right to do so. That the murder of the missionaries was only a mere excuse in order to be able to break into China, no one doubted any longer. Such protests as this, however, were confined chiefly to the radical groups, among whom opposition to colonization had become practically a part of the party program and had little effect on the government policy.

The treaty<sup>9</sup> governing the transfer of Kiao-Chao to Germany leased to that country for ninety-nine years the bay and islands of Kiao-Chao and the land projections on each side of the harbor entrance. Over all this Germany should have not only administrative but also sovereign rights for the period of the lease. In addition, it was agreed that within a zone of fifty kilometers around the bay, China was to permit German troops to march through the territory at any time and was not to take any measures or issue any ordinances without the consent of the German Government.

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there? First it was said: it is a lease; then it was said in all German newspapers, it is a lease only in form but a lease in perpetuity, we will never give up the land. Therefore it was a conquest in the midst of peace. . . .

This robbery or colonial policy does not help the people in the least; on the contrary it injures them. Prince Bismarck, as obedient servant of the capitalist class, which granted him in return important and substantial rewards, tried it first with Samoa, then in Africa. And what happened then, and is still going on, does not redound to the honor of the German name and has brought only harm to the German people. Now we are trying it with China. And here the fiasco will be still greater. . . .

In China we had the choice between the English policy, of cultivating China and furthering its development by economic methods, by establishing commercial connections, etc., and the Russian policy which leads to the splitting up of China. We have decided on the Russian policy and our government has preëminently militaristic and naval purposes in view. . . .

Against the whole present policy, especially against the whole colonial policy, against the whole fleet craze (Flottenschwindel)—I can use no other expression—(great disturbance, lively interruptions) we protest: during the election-battle and after it we will speak!"

<sup>9</sup> V. R., 1897-'98, Anlagen Vol. III, No. 262.

Nevertheless, it was stated that China retained all her sovereign rights in this zone. It is further illustrative of the aggressive character of the treaty that provision was made that in case Germany, before the expiration of the lease, should desire to withdraw from Kiao-Chao, China would grant her some other place better suited to her purposes and in addition would recompense Germany for the expenditures made up to that time in developing the port.

Though shedding much light on the expansion system of Germany,<sup>10</sup> the treaty bears on the policy of the "open door" only in this respect—that it guarantees to China in the leased territory equal rights of commerce and navigation with the merchants and vessels of other nations. Germany retains, however, the right to decide at any time what those privileges of other nations shall be. That is, as far as the treaty stipulated, Germany was free to make Kiao-Chao an open or a closed port. She declared it a free port, aided the Chinese Government in the establishment of a customs house there, and gave assurances to the American Amba-

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<sup>10</sup> A. & P. '99, CIX (C-9131), No. 62 (Inclosure). Following the taking of Kiao-Chao, Germany reasserted her power and interest in the Orient by sending Prince Henry with a squadron on a tour of the Orient which should include a personal visit to the Emperor of China. The visit was of such importance that the details of it were arranged by formal agreement. Lascelles to Salisbury, Extract from 'Reichsanzeiger' of Apr. 25, 1898 (translation).

BERLIN, April 27, 1898.

"His Royal Highness Prince Henry will, in the course of his travels in Eastern Asia, pay a visit to His Majesty the Emperor of China at Peking. With regard to the ceremonial to be observed on this occasion, a detailed agreement has been arrived at between the Imperial German Minister at Peking and the Imperial Chinese Government; which, according to telegraphic information, has received the assent of His Majesty the Emperor of China. According to the terms of this agreement, His Royal Highness Prince Henry will be received on his arrival at the Peking railway station by the Tsung-li-Yamen and the Imperial Princes and will be conducted to the Imperial German Legation. On the following day His Royal Highness will pay a visit to the Emperor in His Majesty's summer residence of Wan-show-shan. His Majesty will rise to receive him, and His Royal Highness will sit down in the seat of honor by His Majesty's side. Immediately after this visit the Emperor will pay His Royal Highness his return visit, which His Royal Highness will await in a building within the gardens of Wan-show-shan, which is to be placed at the Prince's disposal as a temporary residence. Her Imperial Majesty, the ex-Regent, has also spontaneously expressed the wish to receive His Royal Highness and has commanded that the Prince be shown all those portions of the Palace which Europeans have hitherto been forbidden to enter."



sador at Berlin<sup>11</sup> that the rights and privileges ensured by treaties with China to citizens of the United States would not be anyway impaired within the acquired area.

This treaty, governing the transfer of Kiao-Chao, embodied by no means all of the German claims on China at this time. Aside from those demands<sup>12</sup> which referred directly to the reparation for the murder of the missionaries,<sup>13</sup> there was included a demand that German engineers should have preference in the building of

<sup>11</sup> F. R., 1899, p. 129 f. Russia followed by declaring Dalny (Talienwan) a free and open port, but closed Port Arthur to all but Russian and Chinese vessels. (See F. R., 1898, p. 184.)

<sup>12</sup> A. P., '98, CV (C-8814), No. 5 and No. 73. 'Also F. R., 1898, pp. 187 ff. The demands presented by Germany to China upon the murder of the two missionaries were briefly the following:

"1. The building of an Imperial tablet to the memory of the missionaries who were murdered.

2. The families of the murdered missionaries to be indemnified.

3. The Governor of Shantung to be degraded permanently.

4. The Chinese Government to defray the cost of the German occupation of Kiao-Chao.

5. German engineers to have preference in the building of any railway which China may construct in the province of Shantung, and also in the working of any mine which may exist along the track of such railway."

These were the demands officially presented to the Chinese Government by Germany. It was soon discovered from the Chinese officials that there was a sixth demand, namely, for a guarantee that no murders of German subjects should ever again occur. It was this guarantee which assumed concrete form in the retention by Germany of Kiao-Chao.

<sup>13</sup> A. & P., '98, CV (C-8814), No. 73. The attitude of the German Government was well brought out in a speech by Secretary von Buelow before the Budget Commission of the Reichstag. After summarizing Germany's demands on China he concluded (translation by source).

"The Chinese Government has thus agreed to all the demands which we have made in this respect. In accordance with my instructions, the negotiations have been conducted by the German Minister at Peking in understanding with the representative of Bishop Auger. In the Bishop's opinion the grant of the three Imperial tablets—a rare distinction will greatly enhance the prestige of the missionaries in China. The Imperial Government has thus taken every step without employing un-Christian severity to secure satisfaction for the outrages perpetrated on Christian missionaries, and, as regards the future, to prevent the recurrence of such acts of violence. The Imperial German Representative will do all in his power to provide for the carrying out of the stipulations made so far as that had not already been done. The best security, however, is the permanent presence of a German force at Kiao-Chao Bay, which now rests on the firm ground of Treaty right. By this the Chinese authorities will have continually before their eyes the evidence of German power, and will realize that wrongs committed against German nationals will not remain unavenged."

any railway which China might construct in the province of Shantung and also in the working of any mines along that railway. Negotiations over this demand were conducted for several months after the signing of the treaty transferring Kiao-Chao to Germany and finally resulted in further concessions more extensive and advantageous to Germany than could be inferred from the claim as first reported by Secretary von Buelow to the Budget Commission of the Reichstag. These new concessions<sup>14</sup> discriminated markedly in favor of German commerce and capital as compared with that of other nations. The Chinese Government sanctioned the construction of two lines of railway in Shantung, to carry out which a joint German and Chinese company was to be formed. The Chinese Government was to afford effectual protection to the delegates of the German company in their work. The object of the railway was declared to be merely for the development of trade, and in demanding it, Germany testified against any aims at illegal extension of territory in the province. The Chinese Government conceded to German subjects the right of acquiring property in mines along the whole length of the railway line and within a distance of 30 li (about 65 miles) on either side of it. Chinese capital might take part in the working of the mines. Finally there came the provision which guaranteed unequivocally the preferential treatment of Germany in the province. It was stipulated that—

“If the Chinese Government or individual Chinese subjects should at any time have plans for the development of Shantung, for the execution of which foreign capital is required, they shall in the first place, apply to German capitalists for it. Similarly in the event of machines or other materials being required, German manufacturers shall in the first instance be applied to. Only when German capitalists or manufacturers have refused their assistance shall the Chinese be entitled to apply to other nations.”

Here was at the outset an arrangement radically contradictory to the principle of the “open door.” Germany put forth in defense of the claim the fact that similar privileges had been granted to

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<sup>14</sup> A. & P., 1899, CIX (C-9131), No. 235, Inclosure.

France in 1895.<sup>15</sup> Great Britain made protest to the Chinese Government stating that she had declined in 1895 to recognize the validity of the Chinese concessions to the French, had reserved all her rights at that time, and now claimed most-favored-nation privileges on the ground of the new concessions to Germany. These she secured.<sup>16</sup> Russia in turn secured concessions concerning railway lines near the Russian frontier<sup>17</sup> and trade concessions immediately north of Port Arthur, and France secured further privileges in Tonquin.<sup>18</sup> The situation had in short become a

<sup>15</sup> *Ibid.*, No. 21. Also A. & P. 1898, CV (C-8814), No. 70.

The Chinese officials in an interview with the British representative declared that the German demand for railroad privileges in Shantung was similar in character to the stipulations of the French Convention of 1895.

<sup>16</sup> A. & P. 1898, CV (C-8814), No. 85. The concessions were as follows:

1. Opening of interior waterways to British and other foreign steamers.
2. Assurance that China would never alienate any territory of the provinces adjoining the Yang-tsze to any other power.
3. The Inspector-General of Customs for the Chinese Government shall be in the future as in the past an Englishman—(for as long as the British trade with China shall continue to surpass that of any other nation.)

Great Britain also secured extensions of her possessions at Hong Kong and the right to extend the Burmah Railway into Yunnan Province. (See A. & P. 1899, CIX (C-9131), No. 17.

<sup>17</sup> A. & P. 1899, CIX (C-9329), No. 2. A. & P. 1899, CIX (C-9131), No. 273 inclosure.

MacDonald to Salisbury

JUNE, 24, 1898.

Russian Foreign Office Special Agreement (St. Petersburg, May 7, 1898).  
(Supplement to Russo-Chinese Agreement of March 15, 1898, Russian calendar.)

(neutral ground established north of Port Arthur).

"ART. V. The Chinese Government agrees

1. That without Russia's consent no concession will be made in the neutral ground for the use of subjects of other Powers.
2. That the ports on the sea-coast east and west of the neutral ground shall not be opened to the trade of other Powers.
3. And that without Russia's consent no road and mining concessions, industrial and mercantile privileges shall be granted in the neutral territory.

<sup>18</sup> A. & P. 1899, CIX (C-9131), No. 17. These concessions to France included:

1. The lease of Kwangchow Wan as a coaling station (for 99 years).
2. The right to construct a railway to Yunnan-fu from the Tonquin frontier.
3. The promise not to alienate any territory in the three provinces of Kwangtung, Kwangsi and Yunnan, which border on the French frontier.
4. The agreement that if the Chinese Government should ever create a Postal Department independent of the maritime customs and if a European is to be appointed Director, France will have equal right with others to appoint a candidate.

battle for concessions.<sup>19</sup> It was soon realized, however, by the nations themselves that they were defeating their own ends in this unrestrained competition and that it would promote the interests of all if each defined its zone of intended future activities. Accordingly agreements were concluded<sup>20</sup> between Great Britain and Germany and between Great Britain and Russia<sup>21</sup> defining their respective spheres of interest in China. In the sphere agreed upon as belonging to one nation the other nation promised not

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<sup>19</sup> A. & P. 1899, CIX (C-9131), No. 245. Sir Claude MacDonald, British Minister to China, telegraphed to Salisbury July 23, 1898, as follows:

"The battle of concessions is not in my opinion going against us, as your Lordship suggests in your telegrams of 13th July. . . . Up to the present any concessions granted to other nationalities are far outbalanced in financial value by the Shansi and Honan mining and railway concessions and by the Shanghai-Nanking Railway concession with its possible extensions."

<sup>20</sup> F. R., 1899, pp. 129 to 135. The British sphere was the valley of the Yang-tsze, the Russian sphere was all China north of the Great Wall, the German sphere was the province of Shantung and the Valley of the Hoang Ho. France, also, by treaty with China, had given notice that her sphere of interest lay in the southern provinces bordering on her possessions in Tonquin. (See footnote 17). The British and German spheres were defined by agreement between British and German banking syndicates in September, 1898, and this agreement was approved by the two governments. (See A. & P. 1899, CIX (C-9131), No. 3121).

<sup>21</sup> A. & P. 1899, CX (C-9241), Treaty Series No. 11. Exchange of Notes between the United Kingdom and Russia with regard to their Respective Railway Interests in China.

No. 1 Sir C. Scott to Count Mouravieff

"Great Britain and Russia animated by a sincere desire to avoid in China all cause of conflict on questions where their interests meet, and taking into consideration the economic and geographical gravitation of certain parts of that Empire, have agreed as follows:

1. Great Britain engages not to seek for her own account or on behalf of British subjects or of others, any railway concessions to the north of the Great Wall of China, and not to obstruct, directly or indirectly, applications for railway concessions in that region supported by the Russian Government.

2. Russia, on her part, engages not to seek for her own account, or on behalf of Russian subjects or of others, any railway concessions in the basin of the Yang-tsze, and not to obstruct, directly or indirectly, applications for railway concessions in that region supported by the British Government.

The two Contracting Parties, having nowise in view to infringe in any way the sovereign rights of China or existing Treaties, will not fail to communicate to the Chinese Government the present arrangement, which, by averting all cause of complications between them, is of a nature to consolidate peace in the Far East, and to serve primordial interests of China herself.

(Signed)

CHARLES S. SCOTT.

St. Petersburg, April 28, 1899."



to seek for itself any railway or mining concessions, and not to obstruct the efforts of the first nation to acquire from China railway or mining concessions within the stipulated territory.

It was these agreements acknowledging the special interests of certain European nations in certain sections of China which called forth Secretary Hay's first notes to the powers in 1899.<sup>22</sup> In the note to Germany the secretary wrote that although at the time of the lease of Kiao-Chao the German Government had given assurances that the rights and privileges of United States citizens would be in nowise impaired in the acquired territory, nevertheless the formal agreement since made by Germany with Great Britain, recognizing Germany's exclusive right to certain privileges in the sphere of influence contiguous to the leased area, had created a different situation. As the exact nature and extent of the rights thus recognized had not been clearly defined, conflicts might arise at any time between British and German subjects and the interests of American citizens might be jeopardized. Being anxious to remove any cause for such conflict and to ensure for the commerce of all nations equality of treatment for their commerce and navigation throughout China, the Government of the United States would be pleased to receive from the Government of Germany formal assurances that it

"First, will in no way interfere with any treaty port or any vested interest within any so-called 'sphere of interest' or leased territory it may have in China.

Second, that the Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within said 'sphere of interest' (unless they should be free ports), no matter to what nationality it may belong, and that duties so leviable shall be collected by the Chinese Government.

Third, that it will levy no higher harbor dues on vessels of another nationality frequenting any port in such 'sphere' than shall be levied on vessels of its own nationality, and no higher rail-

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<sup>22</sup> F. R., 1899, pp. 128 to 143. In the note to Great Britain Secretary Hay stated that the United States would in no way commit itself to a recognition of the exclusive rights of any power within or control over any portion of the Chinese Empire under such agreements as had been concluded during the past year.

road charges over lines built, controlled, or operated within its 'sphere' on merchandise belonging to citizens or subjects of other nationalities transported through such 'sphere' than shall be levied on similar merchandise belonging to its own nationals transported over equal distances."

In forwarding this request Secretary Hay stated that he felt confident of the support of the German Government because of its liberal policy already shown in declaring Kiao-Chao a free port and in aiding the Chinese Government in the establishment of a customs house there. These two actions, he declared, were directly in line with the policy which the United States wished to see established in China.

The German Government replied first informally by interview with Mr. Jackson, American Charge d'Affaires at Berlin, declaring that the politics of Germany in the Far East were *de facto* the politics of the "open door" and that Germany proposed to maintain this principle in the future. In regard to the United States' proposal, Secretary von Buelow advised that the other European cabinets be consulted in the matter, and if they agreed to adhere to it, Germany would raise no objection. He was also willing that the other cabinets be informed of this fact. This provisional acceptance Germany embodied later in written form, which stated that Germany had already carried out to the fullest extent equality of treatment of all nations in its Chinese possessions and that it entertained no thought of departing from this principle "so long as it was not forced to do so, on account of conditions of reciprocity, by a divergence from it by other governments." Similar replies<sup>23</sup> accepting with the same reservation the American proposal were received by the United States from Great Britain, Russia, France and Japan. Secretary Hay then issued a circular note to all the governments concerned, stating that since the condition attached to their acceptance had been complied with the United States would, therefore, consider the assent given to it as final and definitive.

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<sup>23</sup> Ibid., p. 138. Italy having learned of the adherence of the other powers to the American proposals accepted them without reservation.

The United States had thus made its first progress toward the recognition of the "open door" as the principle to govern international relations in China. That recognition had been hesitating, however, and far from complete, and had still the reservation attached to it which meant that if any nation were to depart from the policy all the rest kept themselves free to do the same. In Germany's declaration that Kiao-Chao should be a free port, she was carrying out the "open door" principle, and to this Secretary Hay gave due recognition. The privileges secured from China in the province of Shantung, however, discriminated in favor of German trade, capital and industry, and were therefore in contradiction to any policy of equal opportunity. Germany's claim was that because it had made no distinction of treatment between other nations in the leased territory, it was therefore carrying out to the fullest extent the principle of the "open door." This was true only so far as it went and only for Kiao-Chao. The fact still remained that it had secured important concessions for its own commerce and the very fact and character of a sphere of interest contradicted the principle of the "open door."

The following year came the Boxer rebellion and the murder by the Chinese of Baron von Ketteler, the German minister to China. The great Viceroy of China, Li Hung Chang, records in his *Memoirs*<sup>24</sup> his consternation at the news. "If she" (Germany),

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<sup>24</sup> *Memoirs of Li Hung Chang*, p. 232 ff.

JUNE 22

"A telegraphic message tells me of the outrageous killing of the German minister. In the name of hell and purgatory and all the black valleys, what are the national miscreants thinking about? . . . Now it will not only be war with Japan but with the German Empire. . . .

And Germany will take no apology for the murder of her minister! If she took Kiao-Chao from us for the lives of two missionaries, what will she demand for the life of Baron von Ketteler? I tremble for the consequences of all this folly!

I did not know the Japanese official, but Baron von Ketteler was one of the last to say good-bye to me in Peking, and upon that occasion he spoke happily of our meeting in Germany four years before, when I was the guest of his own great nation. And now my fellow countrymen kill him in the streets of our capital! What will the Germans think now of the fine China I spoke so proudly of and which I endeavored to represent so worthily. And all the Christian world will more than ever look upon us as a vast swarm of barbarians, who are not possessed of the first principles of international fair dealing, nor deserving of the first advances of international comity.

I am ill."

he writes, "took Kiao-Chao from us for the lives of two missionaries, what will she demand for the life of Baron von Ketteler? I tremble for the consequences of all this folly!" It was Germany's determination that China should tremble for this act and the preparations for the avenging expedition under Count von Waldersee were made with vigor.<sup>25</sup> Li Hung Chang viewed with alarm the increasing German regiments being despatched to China under the German Field Marshal. If they should establish a big army in the Chinese capital, he reasoned, and demand an indemnity such as they did of the French and stay until it should be paid, there seemed little chance of their leaving China at all. However, the results of the German expedition were not so dire as China had feared. The main object of the allied intervention, the freeing and protection of the foreign Legations at Peking, had been accomplished by the time Count von Waldersee arrived, and the Chinese soldiers had been ordered not to fire on or oppose in any way the movements of the foreign armies.<sup>26</sup> There was, therefore, no immediate occasion for military operations on a large scale, and, while the German forces made a number of expeditions throughout the province, these did not have the harmful effect on the peace negotiations which was feared by the American minister, and by Secretary Hay.<sup>27</sup>

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<sup>25</sup> It was on this occasion that the German Emperor uttered his notorious speech to the German troops as they were about to sail for China. As published in the collection of Utterances of German Rulers, etc., entitled "Out of their own Mouths," the Kaiser's instructions were:

"You know very well that you are to fight against a cunning, brave, well-armed and terrible enemy. If you come to grips with him, be assured quarter will not be given, no prisoners will be taken. Use your weapons in such a way that for a thousand years no Chinese shall dare to look upon a German askance. Be terrible as Attila's Huns."

William II, Speech to the Chinese Expeditionary force July 27, 1900. The last sentence appeared in contemporary reports but not in the official version."

A. & P. 1900, CV (C-257), No. 237. The Emperor also declared:

"I will not rest until the German flags united with those of the other powers float victoriously over those of China, and planted on the walls of Peking, dictate the terms of peace."

<sup>26</sup> F. R., 1901, Appendix, p. 40.

<sup>27</sup> Thayer: Life of Hay, Vol. II, p. 245. Hay wrote on October 16, 1900:

"Everything appeared to be going well until this promenade of Waldersee's to Tao Ping, which I fear will have very unfavorable results upon the rest of



The whole weight of the United States' military and diplomatic force was thrown on the side of the preservation of the territorial integrity and sovereignty of the Chinese Empire. At the most critical period of the Boxer uprising Secretary Hay issued a circular telegram<sup>28</sup> which set forth the immediate purpose and the

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China. The great Viceroys, to secure whose assistance was our first effort and our success, have been standing by us splendidly for the last four months. How much longer they can hold their turbulent populations quiet in the face of constant incitements to disturbance which Germany and Russia are giving is hard to conjecture."

See also F. R. 1901, Appendix, pp. 91 and 92. Mr. Conger, American Minister at Peking, wrote to Secretary Hay Feb. 21, 1901, concerning an order of Count Waldersee's which threatened to resume military operations on a large scale:

"There has been a constant disposition upon the part of most of the military commanders to do something or go somewhere with their troops upon the flimsiest of excuses, so that during the winter a great part of this province has been gone over.

The probability was that under this order some kind of a movement would be made which might seriously disturb our present efforts at negotiation, frighten the court, make its return to Peking less probable, and jeopardize the final settlement."

See also A. & P. 1901, XCI (C-675), Nos. 112 and 118.

<sup>28</sup> F. R., 1901, Appendix, p. 12. Circular note of July 3, 1900, to the powers coöperating in China, defining the purposes and policy of the United States.

DEPARTMENT OF STATE,  
WASHINGTON,  
July 3, 1900.

"In this critical posture of affairs in China it is deemed appropriate to define the attitude of the United States as far as present circumstances permit this to be done. We adhere to the policy initiated by us in 1857 of peace with the Chinese nation, of furtherance of lawful commerce, and of protection of lives and property of our citizens by all means guaranteed under extraterritorial treaty rights and by the law of nations. If wrong be done to our citizens we propose to hold the responsible authors to the uttermost accountability. We regard the condition at Peking as one of virtual anarchy, whereby power and responsibility are practically devolved upon the local provincial authorities. So long as they are not in overt collusion with rebellion and use their power to protect foreign life and property, we regard them as representing the Chinese people, with whom we seek to remain in peace and friendship. The purpose of the President is, as it has been heretofore, to act concurrently with the other powers; first, in opening up communication with Peking and rescuing the American officials, missionaries, and other Americans who are in danger; secondly, in affording all possible protection everywhere in China to American life and property; thirdly, in guarding and protecting all legitimate American interests; and fourthly, in aiding to prevent a spread of the disorders to the other provinces of the Empire and a recurrence of such disasters. It is of course too early to forecast the means of attaining this last result; but the policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty

general policy of the United States in China. This note sent to the American embassies throughout Europe declared that while the American Government would hold to the "utmost accountability" the authors of any wrongs done to American citizens, it was the policy of the United States to seek a solution which would "preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire." It was, in a word, a reassertion of the doctrine of the "open door." The Chinese Viceroy<sup>29</sup> saw in the stand taken by the United States the one hope of the integrity of China—when he was convinced that all the other powers were aiming at the partition of the empire. The American influence was brought to bear wherever possible,<sup>30</sup>

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and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire.

You will communicate the purport of this instruction to the minister for foreign affairs. HAY."

<sup>29</sup> *Memoirs of Li Hung Chang*, p. 232.

"All the foreign nations are against us it would seem. No, there is an exception, and the exception may prove our salvation from being sliced up like a watermelon. The Americans are, of course, acting with France, Russia, England, Germany, and Japan, but at the same time I have received assurances from the American commander and from the Washington Government that the United States will oppose morally and physically, if necessary, the partition of China.

My greatest fear now is from the Germans and Russians. The Germans because of the death of their minister, are despatching regiments every day for China, and are sending one of their greatest field-m Marshals to command their troops. If they establish a big army in the capital, and demand an indemnity such as they did of the French, and stay until it is paid, I fear they will never leave us. The Russians, too, have a tremendous force in Manchuria, and along the Siberian Railway; and if there is an agreement between them it may take more than a combination of the other Powers to make them relent. My hope, however, is centred in the attitude of the United States."

<sup>30</sup> F. R., 1901, pp. 19 and 20. Russia having declared that she had no designs of territorial acquisition in China and had occupied Niuchwang purely temporarily for military purposes, the United States took the opportunity to assert once more her general policy toward China and her immediate purpose in the joint operations. This purpose was to join with the other powers in the occupation of Peking until the Chinese Government should be reestablished there, whereupon the United States would immediately withdraw her troops. Meanwhile, if any other power should withdraw its troops and proceed to look after its interests in China by its own methods this would make a general withdrawal of all expedient. In short, the United States would stay in Peking under a definite understanding and not otherwise. (See Thayer: *Life of Hay*, Vol. II, p. 245, also p. 369.)

but, standing alone, the strength of the United States' position was entirely moral. Secretary Hay testifies that it was successful in moderating the German policy in China at this time.<sup>31</sup>

Another factor, however, had important influence for the benefit of China and assisted the policy of the United States, and that was the rivalry between the competing powers. As Li Hung Chang aptly described the situation, "Perhaps between the quarrelling of the foxes the sheep will get away."<sup>32</sup> It is quite probable that this rivalry rather than the influence of the United States accounted for the next development in the "open door" diplomacy. This was the publication of an agreement between Great Britain and Germany declaring the principles of their neutral policy in China.<sup>33</sup>

<sup>31</sup> Thayer: *Life of Hay*, Vol. II, p. 246:

"The success we had in stopping that first preposterous German movement when the whole world seemed likely to join in it, when the entire press of the Continent and a great many on this side were in favor of it, will always be a source of gratification," he confides in the same letter to an intimate friend. 'The moment we acted, the rest of the world paused, and finally came over to our ground; and the German Government, which is generally brutal but seldom silly, recovered its senses, climbed down off its perch, and presented another proposition which was exactly in line with our position.' (October 16, 1900.)"

<sup>32</sup> *Memoirs of Li Hung Chang*, p. 233:

"October 12, Peking. I have learned from a source that is beyond questioning that the Powers had determined immediately after the capture of the city to make a division of China between them. Yet it seems that like so many dogs after the carcass of a beast, they could not agree upon their respective shares. It was determined that the European nations and Japan should act in concert, ignoring the United States. This, however, was not found to be feasible, for, first, England, and then Japan, weakened. The trouble is that Japan wanted that part of China as her sphere of influence which Russia claimed as her own. Perhaps between the quarrelling of the foxes the sheep will get away."

<sup>33</sup> F. R., 1901, Appendix, p. 31:

"Her Britannic Majesty's Government and the Imperial German Government, being desirous to maintain their interests in China and their rights under existing treaties, have agreed to observe the following principles in regard to their mutual policy in China:

I. It is a matter of joint and permanent international interest that the ports on the rivers and littoral of China should remain free and open to trade and to every other legitimate form of economic activity for the nationals of all countries, without distinction, and the two Governments agree on their part to uphold the same for all Chinese territory so far as they can exercise influence.

II. Her Britannic Majesty's Government and the Imperial German Government will not on their part make use of the present complication to obtain for themselves any territorial advantages in Chinese dominions and will direct

They agreed that the ports on the rivers and coast of China should remain free and open to the trade of all countries without distinction and the two governments agreed to exercise their influence to this end. The British and German Governments secondly declared that they would not make use of the complications then prevailing to obtain for themselves any territorial advantages in Chinese dominions, but would seek to preserve undiminished the territory of the Chinese Empire. And, thirdly, it was agreed that in case another power made use of the existing complications to obtain any territorial advantages, the two contracting parties would come to a preliminary understanding as to the eventual steps to be taken for the protection of their interests in China. The other powers interested were then invited to accept these principles.

This agreement came as a great surprise to the United States. Secretary Hay termed it a bomb-shell among the diplomats at Washington.<sup>34</sup> It was a triumph of his policy, something which because of the American policy against alliances he had been

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their policy toward maintaining undiminished the territorial conditions of the Chinese Empire.

III. In case of another power making use of the complications in China in order to obtain under any form whatever such territorial advantages, the two contracting parties reserve to themselves to come to a preliminary understanding as to the eventual steps to be taken for the protection of their own interests in China

IV. The two Governments will communicate this agreement to the other powers interested, and especially to Austria-Hungary, France, Italy, Japan, Russia, and the United States of America, and will invite them to accept the principles recorded in the agreement."

<sup>34</sup> Letters of John Hay, Vol. III, p. 201.

Hay to Adams

DEPARTMENT OF STATE,  
WASHINGTON,

October 31, 1900.

"The A(nglo)-G(erman) pact was a bomb-shell here. None of the diplomats know anything about it. My B(ritish?) people say it is a victory for G(ermany) and Russia. C(hoate) can't get a word out of S(alisbury). P(auncefote) thinks it all right and apologizes for infringing my copy-right. . . . All of the powers seem to be shy, except J(apan), who plunged in boldly and said they were into the game third clause and all,—I imagine a little to the consternation of the two signatories.

Our position was a matter of course. We can't make alliances, but we can't object to other powers making alliances to do our chores for us. If—of course."



laboring alone to accomplish.<sup>35</sup> And yet the Secretary, who held marked British sympathies, felt grieved over the situation because, although on the face of the compact it seemed to be an alliance to prevent further aggressions of Russia in China, he soon perceived that it was in reality a check on British control in her sphere of interest, the valley of the Yangtsze, and that Great Britain had been led into the agreement without realizing its full import.<sup>36</sup> Secretary Hay, however, rejoiced over the fact that through the Anglo-German compact in maintenance of the "open door" the United States was spared an alliance with Germany.

Secretary Hay's analysis of the underlying motive for the British-German agreement, namely, the prevention of increase of

<sup>35</sup> Letters of John Hay, Vol. III, p. 199:

Hay to C(lara) S. H(ay)

DEPARTMENT OF STATE,  
WASHINGTON, D. C.,  
Oct. 29, 1900.

"When I got in the train I saw in the evening papers the news of the Anglo-German agreement to defend the integrity of China and the Open Door. This was the greatest triumph of all. Lord S(alisbury) proposed this to me, before I left England. I could not accept it, because I knew that unspeakable Senate of ours would not ratify it, and ever since I have been laboring to bring it about without any help, and succeeded as far as was possible for one power to do it. Now then, two great powers, who are not dependent upon the Senate, come together and form a compact to confirm and fortify my work, which makes the 20th of October a great day in my little life."

<sup>36</sup> Thayer: Life of Hay, Vol. II, p. 248:

To Henry Adams

NOVEMBER 21, 1900.

What a business this has been in China! So far we have got on by being honest and naif—I do not clearly see where we are to come the delayed cropper? But it will come. At least we are spared the infamy of an alliance with Germany. I would rather, I think, be the dupe of China, than the chum of the Kaiser. Have you noticed how the world will take anything nowadays from a German? Buelow said yesterday in substance—"We have demanded of China everything we can think of. If we think of anything else we will demand that, and be d——d to you"—and not a man in the world kicks.

My heart is heavy about John Bull. Do you twig his attitude to Germany? When the Anglo-German pact came out, I took a day or two to find out what it meant. I soon learned from Berlin that it meant a horrible practical joke on England. From London I found out what I had suspected, but what it astounded me, after all, to be assured of—THAT THEY DID NOT KNOW! Germany proposed it, they saw no harm in it, and signed. When Japan joined the pact, I asked them why. They said, 'We don't know, only if there is any fun going on, we want to be in.' Cassini is furious—which may be because he has not been let into the joke."

British control in China, seems to be confirmed to a degree by Secretary von Buelow in his public comment<sup>37</sup> on the position of Germany in China after the acquisition of Kiao-Chao. Germany had won, he declared, in Kiao-Chao a strategic and political position which assured to it a determining influence on the future fate of Eastern Asia. From this firm position Germany could look upon the further development of affairs there with equanimity. The Germans had so great a sphere of action before them and such important tasks ahead that they had no need to be envious of the concessions made to other powers. The gist of the Secretary's words was that Germany was well satisfied with her acquisition in China and had secured enough room for future development. The conclusion seems justifiable, therefore, that the next move in her interest was not to seek further concessions for herself but to check the further acquisitions of the other powers. The particular determination to prevent Great Britain from advancing her hold on the Yangtsze valley came out two years later during the negotiations concerning the withdrawal of the foreign troops from Shanghai. At that time Germany sought to obtain from China the formal pledge not to grant to any power special advantages of a political, military, maritime or economic nature on either the upper or lower Yangtsze.<sup>38</sup> The policy, therefore, directly suited to Germany's need was the United States policy of the "open door." This principle the new agreement with Great Britain reasserted without at the same time upsetting the *status quo* or in any way disturbing the advantages obtained at Kiao-Chao or throughout the province of Shantung.

The replies<sup>39</sup> to the Anglo-German note were in principle similar to the replies received by Secretary Hay in his first note to the powers the previous year. Russia and France each declared that they had already demonstrated their intention to preserve the

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<sup>37</sup> V. R. '97-'98, Bd. III, 76 Sitz., 27. April, '98, S. 1987.

<sup>38</sup> A. & P. 1902, CXXX (C-1369), No. 2.

<sup>39</sup> For the replies of the powers see "Correspondence respecting the Anglo-German Agreement of October 16, 1900, relating to China." A. P. 1900 CV (C-365). For Hay's description of the attitude of the other powers, especially Japan, see footnote 34.

integrity of China and to maintain the "open door" to commerce in that Empire—but that, in the case of the infringement of these principles by any power, they reserved the right to act according to circumstances for the guarding of their interests. Secretary Hay's reply summed up the previous efforts of the United States to secure recognition of the same principles set forth in the Anglo-German agreement and recorded the full sympathy of the American Government with those principles. As to the third article, however, referring to the proposed action of Great Britain and Germany in case of infringement of the principles by a third party, Secretary Hay deemed this to be merely an arrangement between the two contracting powers and did not consider that the United States was called upon to express an opinion in regard to it. Japan took a different stand from the rest, and upon being assured that acceptance of the agreement would place it in the same position as if it had concluded with Great Britain a like agreement, it endorsed unqualifiedly the whole compact and was recognized as a signatory rather than an adhering state.

Having thus definitely agreed not to use the Boxer uprising as an occasion for further territorial demands on China, the powers framed the joint note<sup>40</sup> to the Chinese Government upon principles of the punishment of the responsible authorities of the massacres and upon equitable money indemnities to the governments and individuals injured in proportion to the losses suffered. No distinction was made in the note in the treatment to be accorded to the several nations by China, except that in the case of Germany and Japan, each of which had lost an official representative at the hands of the Boxers, China was to despatch an extraordinary mission, headed (in the case of Germany) by an Imperial Prince, to express the regrets of the Emperor of China for the murders committed. During the long negotiations of the commissioners on the subject of the amount of indemnity<sup>41</sup> the influence of the

<sup>40</sup> F. R. 1901, Appendix, p. 59.

<sup>41</sup> *Ibid.*, pp. 141 and 142.

Mr. Rockhill to Mr. Hay, Commissioner of the United States to China

PEKING, April 23, 1901.

"The terms of the Joint Note of December 24 last stated that the indemnity should be 'equitable,' in other words just and reasonable, by which

United States was constantly on the side of moderating the demands and reducing them to amounts which China could pay "without grave financial embarrassment prejudicial to the administration of the country." The influence of the German representative, on the other hand, was in favor of a heavy indemnity, reimbursing the powers for their expenses as far as the revenues of China made this possible.<sup>42</sup> In view of the necessity of maintaining the entente with Germany, the American Commissioner, Mr. Rockhill, records<sup>43</sup> that Great Britain made frequent conces-

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we understood that it should not exceed the power of China to pay without creating for it grave financial embarrassments, prejudicial to the administration of the country, administrative reform, and to all foreign interests, and which might compel it to have recourse to financial expedients, which all the powers must condemn, imperilling the independence and integrity of the Empire.

Since the indemnity to be asked of China must therefore be reasonable, it mattered little to us whether its annual revenues were eighty or a hundred or more millions of taels. We were bound to only ask that which China was in a position to pay us of our losses and expenses and it was not for us to seek to ascertain what was the full extent of China's resources so as to exact the last cent of it of her."

"The German minister stated that he had no instructions from his Government on our proposition, but he thought that if the commission charged with studying the revenue ascertained that China could pay the full amount of the expenses of the powers she should be made to do so, and that he saw no reason why the latter should show excessive generosity in the matter."

Ibid., p. 171.

Mr. Rockhill to Mr. Hay

Commissioner of the United States to China,  
PEKING, May 22, 1901.

"The Austrian, German, and Russian ministers were opposed to this proposition, the German minister expressing himself most strongly on the subject, saying that his instructions directed him to insist on the integral payment of every cent spent, or to be spent, by his Government on the expedition to north China. I fancy, however, his Government has before this practically accepted the British proposal."

<sup>42</sup> Ibid., p. 312 ff. 450,000,000 Haekwan taels equal about \$340,000,000.

<sup>43</sup> Ibid., p. 175.

Mr. Rockhill to Mr. Hay

Commissioner of the United States to China

PEKING, CHINA, May 25, 1901.

"The position of Germany on the question of the indemnity, has, as I have advised you repeatedly, been most uncompromising. The urgent necessity for Great Britain to maintain her entente with Germany in China is, of course, responsible for the numerous concessions she has recently made



sions to this German viewpoint. The total indemnity as finally agreed upon was 450,000,000 Haikwan taels, an amount greater than that suggested as fitting by the United States.

The next event involving the assertion of the "open door" policy by Germany occurred in 1902 at the occasion of the withdrawal of the foreign troops from Shanghai.<sup>44</sup> During the disturbances the city had been occupied by British, French, German and Japanese troops, but with the restoration of order, negotiations were initiated for a simultaneous withdrawal. The conditions<sup>45</sup> laid down by Germany for the withdrawal of her troops were, first, that a previous arrangement should be made for the simultaneous and uniform evacuation; secondly, that in case any power should proceed to a fresh occupation of Shanghai, Germany should reserve the right to take similar action; and, thirdly, that the Peking Government and the Yangtsze Viceroy should engage "not to grant to any power special advantages of a political, military, maritime or economic nature, nor to allow the occupation of any other points commanding the river either below or above Shanghai." The German Government explained that this did not refer to individual concessions—such as railway concessions, but that its purpose was merely to prevent "such grants as would entail the exclusion of free competition on the part of the other states in a manner contrary to the principle of the 'open door.' " These conditions were accepted by China. Great Britain whose sphere of interest was the Yangtsze Valley, protested at once both to Germany and to China on the ground that the "open door" principle was already sufficiently safeguarded by existing agreements; and that such an arrangement would be binding only on a limited number of powers and restricted to only a portion of

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to German insistence on being paid the last cent of her expenses. The most remarkable of these concessions is found, however, in the British Government's willingness to have the tariff on imports raised to an effective 5 per cent. *ad valorem*, without compensating commercial advantages."

See also A. & P. 1902, CXXX (C-1005), Nos. 37, 56, 62, 65, 79, 90, 96, and 100.

<sup>44</sup> A. & P. 1902, CXXX (C-1369).

<sup>45</sup> A. & P. 1902, CXXX, No. 22 (C-1369). The first two conditions were also laid down by France.

Chinese dominions. To the Chinese Government the Marquess of Lansdowne sent word<sup>46</sup> that the British Government would not pay any regard to any pledges given by the Chinese Government or Viceroy by which the British freedom of action in the future for the maintenance of order and the protection of British interests in the Yangtze region would be limited. To the German Government Lord Lansdowne declared, further, that the British Government objected to the German condition, not because it had any intention of receding from the "open door" policy but because the condition seemed specially directed against Great Britain.<sup>47</sup> The German Government therefore modified its con-

<sup>46</sup> Ibid., No. 32.

The Marquess of Lansdowne to Sir E. Satow

FOREIGN OFFICE, October 16, 1902.

"(Telegraphic)

EVACUATION of Shanghai.

Tell Prince Ching that His Majesty's Government deeply resent his treatment of them. Remind him that Chinese interests have constantly been upheld by them, and that the consent of Germany and France was due to our initiative.

His Majesty's Government are compelled by Prince Ching's duplicity to reconsider their attitude, and he will be responsible should withdrawal of troops consequently not take place.

You may communicate to him the substance of reply of His Majesty's Government to the German Government, and inform him that we shall not pay regard to any pledges given by the Chinese Government or Viceroy by which their and our freedom of action in the future as regards the maintenance of order and protection of our interests in the Yang-tze region would be limited.

This telegram should be repeated to Sir C. MacDonald."

<sup>47</sup> Ibid., No. 47.

The Marquess of Lansdowne to Count Metternich

FOREIGN OFFICE, November 6, 1902.

"To that condition His Majesty's Government took exception, not, as you are aware, because they desired to recede from their adherence to the principle of the "open door," or because they are not most anxious to preserve the sovereign rights of China, but because they can see no reason why the withdrawal of their troops from Shanghai should be made the occasion for a fresh affirmation of those accepted principles, or for a renunciation which, if it had any new meaning at all, seemed specially directed against Great Britain.

I understood from your Excellency that the actual terms of the General declaration which has now been made by the Chinese Government are not yet in your possession, but I gather from the description given of it in your note that it has reference not only to the Yang-tze region, but to the whole of the Chinese Empire, with this limitation, that it would not extend to any alienation of sovereign or territorial rights by China which might already have taken place.

His Majesty's Government are not a party to this arrangement, and do not therefore consider themselves affected by it, and of this they have informed the Chinese Government."

dition to apply to the whole of the Chinese Empire and secured from China a formal declaration that the empire would not part with any of its sovereign rights nor would it agree to any preferential right which was opposed to the principle of the "open door."<sup>48</sup> The German ambassador explained<sup>49</sup> to the Marquess of Lansdowne that none of the powers should take offense at the agreement since they had all repeatedly declared that they would respect the sovereignty of China and the principle of the open door; that the present agreement was binding on China alone, interfered with the rights of no one and aimed only at maintaining the *status quo*. Moreover, he declared, this declaration of China in no way prejudiced the Anglo-German treaty of October, 1900, nor the adherence of the powers to the principle of the "open door," agreed to at the suggestion of the United States, but, on the contrary, completed and confirmed such declarations. The Marquess of Lansdowne, however, reasserted that, as Her Majesty's Government was not a party to the arrangement, it would not consider Great Britain to be affected by it, and he so informed the Chinese Government.

<sup>48</sup> Ibid., No. 43.<sup>49</sup> Ibid., No. 48.

Count Metternich to the Marquess of Lansdowne. (Received Nov. 7)

(Translation)

My Lord,

GERMAN EMBASSY, LONDON, NOV. 7, 1902.

"I had the honor to-day to receive your Excellency's note of the 6th instant, and shall not fail to make known its contents to my Government.

I would, however, at once venture to observe that the condition which was referred to in the note from this Embassy of the 7th ultimo, and to which objection is taken by the British Government, cannot be considered as specially directed against Great Britain. By a declaration that the Chinese Government will not cede any of the rights of sovereignty of China and will not sanction any monopoly in contradiction to the principle of the open door none of the participating Powers should be offended, as the latter have repeatedly positively declared that they would respect the sovereignty of China as well as the principle of the open door. That engagements which are given to us alone by China, and which, with the exception of China, are binding on no one which interfere with the rights of no one, and only aim at maintaining the *status quo* should be taken as containing a provision directed against Great Britain must be the result of a misapprehension.

As the Imperial Government merely took part in the occupation of Shanghai because the serious crisis which prevailed in the interior of China two years ago might have brought about a change in the *status quo* in the Yang-tsze territory, it appeared only logical to require guarantees from China as a preliminary to the evacuation of Shanghai, which guarantees, on the reestablishment of peace, would take the place of the actual guarantees given by the occupation of Shanghai.

I have etc.

(signed)

P. METTERNICH.

As is evident, these negotiations represented a diplomatic game of the two powers. Germany had in the agreement of 1900 secured Great Britain's promise not to infringe upon the principle of the "open door" in her sphere of interest. The German Government now made this more secure by obtaining a promise from China that no further cessions of her sovereignty would be made and no monopolies granted throughout the empire. Although it is self-evident that China had no desire to make further concessions and would avoid it if possible, still it was valuable to Germany to have this stated in formal contract, so that any breach of that contract in the future might furnish ground for corresponding new claims by Germany. In the 1900 agreement Germany had bound herself to maintain the "open door." In the 1902 agreement she had bound China as well.

Two years later, during the Russo-Japanese war, Germany took the initiative still more definitely in defense of the "open door." This was done through the medium of the United States.<sup>50</sup> The German Emperor suggested that the American Government call upon the powers to use their good offices to influence Russia and Japan to respect the neutrality of China outside the sphere of military operations. Secretary Hay, in agreement with President Roosevelt, acquiesced in the suggestion, modifying it by eliminating the clause "outside the sphere of military operations" and adding to the "neutrality" the "administrative entity" of China.

The following year Germany again called upon the United States to take action in behalf of the open door.<sup>51</sup> The Emperor sent word to President Roosevelt that he believed the integrity of China to be gravely menaced. He was convinced that a coalition was being formed under the leadership of France for the spoliation of China, the combination consisting of France, England and Russia. He therefore requested the United States to frustrate this coalition by asking all the powers having interests in the Far East whether they would pledge themselves not to claim any compensation in China or elsewhere for any services they might render to the

<sup>50</sup> Thayer: *Life of Hay*, p. 372. Also *F. R.* 1904, p. 309 ff, 327 ff.

<sup>51</sup> Thayer: *Life of Hay*, Vol. II, pp. 385 ff.



belligerents. This would force the powers to reveal any designs against the "open door." If the United States should accede to this request, Germany would, of course, at once declare her own policy of disinterestedness.

President Roosevelt and Secretary Hay agreed that it would be well to accept the Kaiser's suggestion. Accordingly the Secretary framed a circular letter<sup>52</sup> and despatched it to the American embassies throughout Europe. It stated that it had come to the knowledge of the United States that apprehension existed on the part of some of the powers lest claims be made after the close of the Russo-Japanese war for concession of Chinese territory to neutral powers. While the President was loath to share this apprehension, the United States considered it fitting to reassert the position it had maintained and which it had repeatedly made known, namely, the maintenance of the integrity of China and the open door to commerce in the Orient. The United States, therefore, in the existing situation disclaimed any thought of acquiring territorial rights or control in the Chinese Empire and invited the other governments

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<sup>52</sup> F. R. 1905, p. 1.

(Circular Telegram)

DEPARTMENT OF STATE,  
WASHINGTON,

Jan. 13, 1905.

To the American Ambassadors to Austria, Belgium, France, Germany, Great Britain, Italy and Portugal.

"It has come to our knowledge that apprehension exists on the part of some of the powers that in the eventual negotiations for peace between Russia and Japan claim may be made for the concession of Chinese territory to neutral powers. The President would be loath to share this apprehension, believing that the introduction of extraneous interests would seriously embarrass and postpone the settlement of the issues involved in the present contest in the Far East, thus making more remote the attainment of that peace which is so earnestly to be desired. For its part, the United States has repeatedly made its position well known, and has been gratified at the cordial welcome accorded to its efforts to strengthen and perpetuate the broad policy of maintaining the integrity of China and the "open door" in the Orient, whereby equality of commercial opportunity and access shall be enjoyed by all nations. Holding these views the United States disclaims any thought of reserved territorial rights or control in the Chinese Empire, and it is deemed fitting to make this purpose frankly known and to remove all apprehension on this score so far as concerns the policy of this nation, which maintains so considerable a share of the Pacific commerce of China and which holds such important possessions in the western Pacific, almost at the gateway of China.

You will bring this matter to the notice of the government to which you are accredited, and you will invite the expression of its views thereon.

JOHN HAY."

to express their views on the subject. The replies from all the powers declared them to be in full accord with the principle set forth by the United States. Germany's acceptance<sup>53</sup> of her own invitation was of course especially emphatic and gratification was expressed that the American Government intended to continue to *assist* in the maintenance and strengthening of the policy of the integrity of China and the "open door" in the Far East.

It is thus clear that after the taking of Kiao-Chao, and beginning with the Anglo-German agreement of 1900, the United States' doctrine of the "open door" received the active support of Germany. The German Government claimed that it had always acted upon that doctrine and that it had demonstrated this in declaring Kiao-Chao a free port. This explanation ignored, however, the special privileges secured to Germany in the province of Shantung. These, while they left all other nations on a par with one another in relation to the trade of that province, discriminated in favor of German industry, products and capital in a manner directly contrary to the doctrine. The general attitude of the two countries toward China itself was radically different. The United States, although possessing a most-favored-nation treaty with China,<sup>54</sup> did not assert its rights under that treaty as

<sup>53</sup> F. R. 1905, p. 3 (Inclosure—translation by source).

The German Chancellor to Ambassador Tower

BERLIN, Jan. 18, 1905.

"Mr. Ambassador: I have had the honor of receiving your communication of the 14th of January, 1905, in which you were good enough to set forth the position of your Government in regard to certain questions raised by the present war between Russia and Japan. I am extremely gratified to learn by it that the President and the Government of the United States of America intend to continue to assist in the maintenance and strengthening of the policy of the integrity of China and the open door in the Far East for the benefit of the free commercial intercourse of all nations and that they have no thought of acquiring territorial rights in the Chinese Empire.

This view corresponds entirely with that of the German Government which has repeatedly declared its adherence to the principles of the integrity of China and the open door in the Far East. Its purpose is absolutely to stand by its former declarations. Germany's position is defined in the Anglo-German agreement of the 16th of October, 1900, which was communicated at that time to all the powers interested and accepted by them. In this agreement the Imperial Government has bound itself to support the principle of the open door in China wherever its influence may be felt. It is therefore scarcely necessary to add that the Imperial Government does not seek for itself any further acquisition of territory in China.

I avail etc.

<sup>54</sup> Malloy: Vol. I, p. 221.

BUELOW."

a basis for claim to Chinese territory, when other nations were acquiring ports and other concessions on the ground of their most-favored-nation treaties with China. The United States announced at the outset and consistently acted upon its purpose of maintaining the integrity of China<sup>55</sup> even though it had as much basis as the others for claims to similar concessions. In the case of Germany the policy was governed by a deliberate expansion system, which ignored the rights of China and sought to justify itself by the actions of the other European powers. Great Britain, France and Russia had each secured a foothold in the Empire, therefore Germany had determined to secure one also and merely waited for the suitable occasion, which came in 1897. The attitude of the government was described openly by von Buelow before the Reichstag at the time of the seizure of Kiao-Chao.<sup>56</sup> The Secretary stated that while the partition of China would not have been initiated by Germany, that the Government had merely seen to it that whatever happened Germany should not come out

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<sup>55</sup> Memoirs of Li Hung Chang, p. 234:

"Peking, at U. S. Legation, October 19.—Today I received an American newspaperman, and gave him a lengthy interview. I would not have talked at all with him, but for two things: his paper, which is one of great influence at Washington, has been China's advocate in all this miserable affair; and secondly, he told me that he tried to get an interview with me at the Philadelphia junction (Germantown) but failed. So I made it up with him, and sent the thanks of China and myself to those fair-dealing people who live in the land of Lincoln and Grant and McKinley."

<sup>56</sup> V. R. '97-'98, Bd. III, 76 Sitz., 27. April, '99, S. 1987. (transl. by author):

"Reference has been made to the partition of China. Such a partition would at any rate not have proceeded from us; we have only seen to it in season that whatever may happen, we shall not come out entirely empty handed. When a railroad train shall start does not always depend on the inclination of the traveller, but (it is his business to see) that he does not miss connections. The devil takes the hindmost! (Den Letzen beissen die Hunde) (Amusement) But we do not desire—and this I wish to mark with especial emphasis—that it should come to a partition of the Chinese Empire. And I do not believe today that such a partition will occur within the visible future (in absehbarer Zeit). At any rate we have won and herewith I think are best summed up the reasons, which led us to Kiao-Chao and also the significance of Kiao-Chao for us—in Kiao-Chao a strategic and political position, which assures us a determining influence on the future fate of East Asia. From this firm position, we can await the further development of affairs with calmness and equanimity. We have before us so great a sphere of action and such important tasks that we need not begrudge other nations the concessions granted to them. (Very good!) German foreign policy will, as everywhere, so also in East Asia, understand how to go its way calmly, firmly and peacefully. We will nowhere play the role of disturber of the peace, but also not that of Cinderella. (Animated bravo!)"

empty-handed. It was not the privilege of the traveller to determine when the train should start, but it was his business to see that he did not miss it. In other words, as the secretary expressed it, it was a case of "the devil takes the hindmost" ("den Letzten beissen die Hunde"). However, having secured in China that which suited well Germany's purposes, both from the viewpoints of strategic position and commercial opportunity, the Imperial Government considered that the interests of the empire dictated a maintenance of the *status quo*. For this the best instrument was the American doctrine of the "open door." The utterance of that doctrine, however, came with better grace from its first champion, the United States. For this reason<sup>57</sup> the Emperor called upon President Roosevelt for a reassertion of this doctrine at the time when the *status quo* in China seemed to him again threatened. The United States was glad to take advantage of another opportunity to secure from the powers reinforcement of its well-known principle. Therefore, it resulted that from the time of the Anglo-German compact to the end of the period under consideration both the United States and Germany were acting as champions of the "open door."

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<sup>57</sup> Thayer: *Life of Hay*, Vol. II, p. 388. Mr. Thayer holds that the Kaiser felt isolated from the other great powers at this time and feared that they aimed at the partition of China without giving Germany a share of the spoils. Mr. Thayer also holds that a desire to humiliate France for intrigues in Morocco was an additional reason for the Kaiser's approach to the United States on this question. Secretary Hay himself records in his diary:

"What the whole performance meant to the Kaiser it is difficult to see. But there is no possible doubt that we have scored for China."

Mr. Elihu Root spoke of this subject in his address as Temporary Chairman of the Republican National Convention at Chicago in 1904. (See "The Military and Colonial Policy of the United States: Address and Reports," by Elihu Root, pp. 105 and 106). Mr. Root stated:

"None other had won confidence in the sincerity of its purpose, and none other but America could render the service which we have rendered to humanity in China during the past four years. High evidence of that enviable position of our country is furnished by the fact that when all Europe was in apprehension lest the field of war between Russia and Japan should so spread as to involve China's ruin and a universal conflict, it was to the American government that the able and far-sighted German Emperor appealed, to take the lead again in bringing about an agreement for the limitation of the field of action, and the preservation of the administrative entity of China outside of Manchuria; and that was accomplished. . . ."



## CHAPTER VIII

### GERMANY AND THE MONROE DOCTRINE

FOR a complete and adequate study of the German policy toward the fundamental American policy of the Monroe Doctrine, many factors besides the events leading to diplomatic negotiations should be taken into account. Such a study should give full weight to the general expansion policy of the German Government as expressed openly by its representatives and demonstrated by its colonial acquisitions. Account should be taken of the programs framed and voiced by the Pan-Germanists, opposed by the Radicals and Moderates, but followed—at some distance—by the Imperial Government. There should also be considered the avenues through which this policy was conducted—the effective support given by the government to German enterprise in foreign countries and the efforts of the government to use the stream of German emigration to further the commerce and national prestige of the empire. It was the consciousness of these facts, rather than the factors of actual controversy between the two countries, which caused the American public to look upon Germany as the new foe of the Monroe Doctrine. In this chapter, however, the attempt only is made to view the German Government's attitude from those diplomatic negotiations in which the Monroe Doctrine was the main principle involved.

During the forty-year period under consideration there were comparatively few diplomatic controversies between Germany and the United States relating to a possible violation of the Monroe Doctrine, and with the exception of the Venezuela episode of 1902 to 1904, none which—so far as published documents reveal—threatened to become serious. The first episode occurred shortly after the unification of the empire in 1871 and related to the country so frequently the center of complications with European powers—

Venezuela. Germany planned<sup>1</sup> to present to the various powers having claims against that country the proposal that they unite to secure satisfaction of their claims. Before taking the step, however, Baron Gerolt, the German Minister at Washington, consulted Secretary Fish as to how the United States would receive such a proposal. He had been instructed not to make the proposal formally to the American Government unless sure that it would be favorably received. Secretary Fish informed the baron that the United States had a vivid recollection of a combined European movement against Mexico a few years previous, and would wish now to know more definitely Germany's intentions and the causes of her complaints against Venezuela. If the object was merely a united remonstrance against the chronic revolutionary conditions of Venezuela and her non-observance of obligations, the American Government would not object and would itself make a similar protest. But if, however, the purpose were the forcible coercion of Venezuela by a combination of European powers, then the United States would view such action with the greatest concern. No forcible action was taken, the countries leaving their claims to mixed commissions for settlement.<sup>2</sup> Mr. Bancroft, American Minister to Germany, wrote to Secretary Fish<sup>3</sup> that Germany intended nothing further than the protection of her subjects in Venezuela and would do nothing against the wishes of the United States. The British minister at Washington showed that the British Charge d'Affaires at Caracas had been instructed to join

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<sup>1</sup> Moore: Vol. VI, p. 531.

<sup>2</sup> House Reports No. 29, 42nd Cong., 2nd Sess. Also A. & P., 1871. LXXII (C-308), 571.

<sup>3</sup> J. C. B. Davis Corresp.

Fish to Davis.

JULY 7, 1871.

"Bancroft writes me that Germany means nothing in the Venezuela business, except to show a watchfulness over the rights of some of her subjects in business there, and that she will do nothing without advising us or against our wishes. He expresses a desire to be allowed to say that in the Joint Commission the U. S. Commissioners wished that Germany (name) one of the Arbitrators and that we proposed to refer the question to Germany—the latter I am not sure that we did *in terms*—we sounded them. I do not know that there will be any harm in letting Bancroft state the facts—not officially or by authority but he may 'blab.' Do you see any objection? If not you may say so to him."

in a diplomatic representation to Venezuela, but to go no further should the representation be unsuccessful.<sup>4</sup> The episode did not develop into any real controversy<sup>5</sup> but served to place again on record the opposition of the United States to combined action by European powers against an American State.

In 1874 the rumor became current that Germany was negotiating with Denmark for the acquisition of the Danish West Indies.<sup>6</sup> Mr. Bancroft was instructed to inquire discreetly into the subject and to ascertain the truth of the report, as the transfer of those islands to another European power could not be regarded with favor by the United States. Mr. Bancroft was emphatic in his denial of the report that Germany was planning to acquire the

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<sup>4</sup> J. C. B. Davis: *Journal*.

JULY 6, 1871.

"He (Sir Edward Thornton (British minister to United States)) then said that Mr. Fish had spoken to him about a communication from Baron Gerolt to this Government about Venezuela, proposing a joint note of the several creditor governments to be followed by joint hostile action if the note should prove to be ineffectual, and that Mr. Fish had informed him that he had replied to the Baron that should such a note be followed by combined hostile action from the European governments the United States would look with disfavor upon such a course. Sir Edward then said that he would, although not instructed to do so (show? a dispatch which he had received from his government, and proceeded to read a dispatch inclosing a copy of instructions to the British Chargé d'Affaires at Caracas. It appeared from this that the Chargé was instructed to advise with his colleagues and to join in a diplomatic representation but to make it clear that Great Britain would not undertake to go further should the representation be unsuccessful."

<sup>5</sup> F. R., 1873, p. 1171. The American representative at Caracas recorded the following year (December 10, 1872) the visit of a fleet of five German war vessels at La Guayra, but could not report as to its object.

<sup>6</sup> F. R., 1874, p. 439 f., No. 253.

Mr. Bancroft to Mr. Fish.

AMERICAN LEGATION,  
BERLIN, January 9, 1874.

"As to Saint Thomas, Germany does not want it, would not accept it as a gift; has no hankering after that or any other West India colony; from principle avoids them; wishes at most a coaling station in Asiatic seas, and that only in case it can be enjoyed in security without being made a military post. This statement I have had often from every member of the government that could by any possibility have charge of any negotiation made for the acquisition of territory. They have said it to me over and over again. This much in answer to a telegram received night before last through General Schenck.

GEO. BANCROFT."

Mr. Bancroft was therefore instructed by Secretary Fish to be watchful should any negotiations of this character occur.

Danish islands, and a similar denial was made<sup>7</sup> by Mr. Cramer, the American representative at Copenhagen.<sup>8</sup> From this date throughout the period under consideration no evidence was published connecting German diplomacy with the Danish possessions in the West Indies.<sup>9</sup>

For over twenty years after this report the published correspondence reveals no negotiations between Germany and the United States involving the principle of the Monroe Doctrine. In 1897, however, Germany made a demonstration of national power in the West Indies. A German citizen, Emil Lueders,<sup>10</sup> living in Haiti, came into conflict with the local authorities, and on the charge of assaulting a policeman, who had entered his place of business without a warrant, was sentenced to prison for a year. The sentence was made under an act which denied the defendant the right of appeal. The personal efforts of the German representative to secure his release were fruitless. Therefore the German Government took up the matter and instructed its representative to demand the release of Lueders, the punishment of the officials, an apology and indemnity. The demands were presented by the German representative to the President of Haiti in person at a public reception instead of through the Foreign Office. The Haitian President resented what he considered to be an indignity

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<sup>7</sup> F. R., 1874, p. 368.

<sup>8</sup> F. R., 1879, p. 308 ff. In 1879 another rumor was spread that Denmark was negotiating for the sale of the islands—to an unnamed government, presumed to be that of Great Britain. On inquiries being made by Mr. Cramer, American minister at Copenhagen, the Danish minister of foreign affairs at first denied the report categorically but at a later date stated that, although he had had no information on the subject, he did not know what England might do. The Danish islands had suffered much from crop failures and riots and England would be strong enough to help and protect them.

<sup>9</sup> Thayer: *Life of Hay*, Vol. II, p. 294. Mr. Thayer holds that Secretary Hay suspected that the United States' treaty with Denmark for the purchase of the Danish West Indies was defeated in the Danish Parliament by German influence.

<sup>10</sup> Moore: Vol. VI, pp. 474 ff. Lueders had at first been sentenced for just a month, had appealed and was tried again under another act by which he was fined \$500 and sentenced for a year. The indemnity demands of the German Government stipulated the payment of \$1000 for each day's imprisonment before the second judgment and \$5000 for every day thereafter.



and refused to receive the German demands. At this juncture the American minister intervened in behalf of Mr. Lueders and secured his release from prison and his safe departure from Haiti. The release was granted as an act of pardon by the president in recognition of the intercession of the American representative. The Haitian Government then suggested that the matter be referred to arbitration. Germany declined to arbitrate and insisted on an immediate apology and the payment of an indemnity. The Government of Haiti refused both at first, though it later agreed to the indemnity. The German Government, however, despatched two naval vessels to Port au Prince and presented its ultimatum. The Haitian Government was informed that the forts and public buildings of Port au Prince would be bombarded within eight hours unless the Haitian Government should grant at once the following demands: (1) an indemnity of \$30,000, (2) the return of Lueders and the responsibility for his safety, (3) an apology for the treatment of the German Emperor's representative, (4) the renewal of relations and the prompt acceptance of a German representative. With the German guns trained on the city the Haitian Government offered no further resistance and complied with all of the demands.

The episode represented a demonstration of force on the part of Germany to assert its power and intention to exact severe penalties for injuries to its citizens in distant lands. Occurring simultaneously with the German descent upon Kiao-Chao, it resembled that expedition in the aggressive character of the demands, the imperious methods of exaction and in the general motive of display of power. The German Social Democrats ridiculed<sup>11</sup> the expedition as a crusade by sea, which should act as an advertisement of German interests overseas and help to manufacture in Germany enthusiasm for the government's fleet policy. Admiral von Tirpitz<sup>12</sup> then demonstrated the correctness of their assertions by declaring that the Haitian episode, in which Germany was able at that time to despatch only two school ships to the scene, gave

<sup>11</sup> V. R., 1897-1898, Bd. III, 76 Sitz., 27. April, 1898, S. 1982.

<sup>12</sup> V. R., 1897-1898, Bd. I, 5 Sitz., 7. Dezember, 1897, S. 80.

clear evidence of the inadequacy of the German navy. The Navy bill was introduced that year<sup>13</sup> and the empire entered definitely upon its program for development as a naval power.

The United States did not treat the German action at Haiti as having any great significance. Secretary Sherman wrote<sup>14</sup> to the American minister to Haiti that the Monroe Doctrine was wholly inapplicable to the case and that the Government of the United

<sup>13</sup> Von Buelow: *Imperial Germany*, p. 42.

<sup>14</sup> Moore: Vol. VI, p. 475.

Mr. Sherman, Sec. of State, to Mr. Powell, minister to Hayti.

JANUARY 11, 1898.

"I have received your No. 134, of the 24th ultimo, in which you report that, in view of the 'severe lesson' of the recent German event, you have been approached by friends of the present Haytian administration 'to get the views of the Government of the United States, to arrange for a new treaty, in which they desire a closer alliance with us, virtually placing themselves under our protection.' You accordingly ask instructions in this regard . . .

It would be unfortunate if, by your reception of the overtures you now report, or in your intercourse with the Haytian administration or its friends, you have encouraged any impression that this Government entertains a policy in this relation other than that to which it has scrupulously adhered from the beginning of our national life.

You can not be unaware that the proposal for a congress of the American States to be held at Panama in 1825-6, rested on the theory that all of them, with the United States at their head, should stand pledged to mutual protection against foreign aggression looking to interference with their political organization, yet, even as to this important aspect of the question, this country held aloof, in the conviction that in any such system 'the United States would necessarily be its protector, and the party responsible to the world, while the Spanish-American States would get the benefits of a system of mutual protection which the United States did not need.' (See Dana's *Wheaton*, page 101, footnote.)

Moreover, protectorates over our neighbors have never been advocated in our foreign policy, being contrary to the principles upon which this Government is founded. A protectorate, however, qualified, assumes a greater or less degree of responsibility on the part of the protector for the acts of the protected state, without the ability to shape or control these acts, unless the relation created be virtually that of colonial dependency, with paramount intervention of the protector in the domestic concerns of the protected community. Any such relation is obviously out of the question in an arrangement between sovereign states and would assuredly never be proposed by a state so jealous of its independence as Hayti.

These observations are made for your personal guidance in dealing with the embarrassing suggestions which, it would see, are made to you by well-meaning persons, who have not considered the subject in its true lights. They are not intended for communication to such persons. You certainly should not proceed on the hypothesis that it is the duty of the United States to protect its American neighbors from the responsibilities which attend the exercise of independent sovereignty.

It behooves me to enjoin upon you the utmost circumspection and reticence as to matters of this character in your intercourse with the Haytians, in order that your representative utility be not impaired, nor the true policies of your Government be misunderstood."

States was under no obligation to "become involved in the constantly recurring quarrels of the republics of this hemisphere with other states." The Government of Haiti, however, had become alarmed at the aggressive German demonstration and sought to arrange with the United States a new treaty which should virtually place the island under American protection. Secretary Sherman instructed the American minister to refuse emphatically any suggestion of a protectorate and not to proceed "on the hypothesis that it was the duty of the United States to protect its American neighbors from the responsibilities which attend the exercise of independent sovereignty."

With the development of plans for the Panama Canal under American construction and ownership, increased importance was given to the region of the Caribbean and the Monroe Doctrine became more frequently involved. In 1901 Secretary Hay was informed that Germany was negotiating to secure the island of Margarita off the coast of Venezuela. The details of this attempt have never been published, but that it was looked upon with concern by the United States Government is evident from the instructions sent by Secretary Hay to Mr. Jackson,<sup>15</sup> Chargé d'Affaires at Berlin. Mr Hay wrote that, "Having in view the long declared and widely known policy of the United States, any attempt on the part of a European power to acquire the Venezuelan coast-island of Margarita would be a source of concern to this Government, if not tending to the embarrassment of the cordial and frank relations between the United States and such power." It has also been stated<sup>16</sup> that the German Emperor was negotiating for the purchase 'for his own personal use' of two harbors in Lower

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<sup>15</sup> Moore: Vol. VI, p. 583. Mr. Moore cites this event from State Department manuscript. "Mr. Hay, Sec. of State, to Mr. Jackson, Chargé at Berlin, No. 1186, April 10, 1901. Ms. Inst. Germany, XXI, 283." This source is referred to by Kraus (*Die Monroedoktrin*, p. 243) in his account of the incident.

<sup>16</sup> Thayer: *Life of Hay*, Vol. II, p. 284. Mr. Thayer states:

"In May, 1901, Hay received information that German warships had been inspecting the Santa Margarita Islands, off the coast of Venezuela, with a view to occupying them as a naval base. Later he learned that the Kaiser was secretly negotiating for the purchase of two harbors, 'for his own personal use,' whatever that meant—on the desolate coast of Lower California."

California. Such reports, if borne out by the facts not yet made public, would demonstrate the intention of the Imperial Government to ignore the well-known policy of the United States. That they did not materialize is evidence of the acquiescence of Germany though under what pressure cannot be determined.

In the year 1902 several events took place involving Germany, the United States and the Monroe Doctrine. One of these concerned the foreign debt of Guatemala. Ambassador von Holleben<sup>17</sup> left at the Department of State a "pro-memoria" stating that the council of foreign bondholders in London was seeking a new arrangement with the government of that country and desired to have that arrangement endorsed by the most interested powers, Germany, the United States and England, in order to secure from Guatemala the fulfilment of her pledges. The Imperial German embassy therefore requested to be informed whether the United States Government would join in such a proceeding if it should be entered upon by the German and British Governments. The United States declined this proposition, stating that it was "indisposed to join in any collective act which might bear the aspect of coercive pressure upon Guatemala." The Government of the United States reserved, however, for its citizens "equal benefits with those which might be obtained for creditors of any other nationality in the adjustment of the Guatemalan foreign debt." The American Minister to Guatemala informed Secretary Hay<sup>18</sup> that the Governments of Belgium, England, France, Germany and Italy had during the previous year presented to Guatemala identic notes regarding the external debt of that country. Since the reply of Guatemala had been considered unsatisfactory the powers had addressed a joint note of protest. Secretary Hay replied to Mr. Hunter, the American representative at Guatemala, that this joint note of the powers called for no action or comment on the part of the United States, "inasmuch as it was within the right of the creditor nations to require payment of debts due to their nationals." No action appears, therefore, to have been taken by the United States by way of protest to the powers,

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<sup>17</sup> F. R., 1902, p. 426.

<sup>18</sup> Ibid., p. 569 ff.



although it was later learned by the American representative that they had threatened to blockade the ports of Guatemala<sup>19</sup> if arrangements to satisfy their respective creditors were not made by a specific date. The controversy represented a familiar problem to the United States—the demands of European powers upon a Latin-American nation for the payment of its debts—and the American Government acted consistently with its established interpretation of the Monroe Doctrine. Although refusing to join in collective action of such a character, it nevertheless did not interfere with the enforcement of just claims, provided that enforcement did not take the form of acquisition of territory or interference with the system of government of any American nation.

During the same year a revolution in Haiti<sup>20</sup> resulted in a second demonstration of German naval power at that island. Following the forced resignation of the President of the Republic by anti-government parties, a number of rival candidates entered upon campaigns for election. Of these, two were considered to have the support of foreign interests.<sup>21</sup> Mr. Firmin, Haitian minister to France and former secretary of Foreign Relations in the Haitian cabinet, was said to have the favor of the French minister and the strong opposition of the German Chargé d'Affaires. Another candidate, General Leconte, Secretary of Agriculture, was said to be supported by the leading German commercial and banking interests in the capital. In return for this support, Leconte, if elected, was to grant certain commercial favors. It was rumored that he was to grant to the German Government a coaling station near the Mole St. Nicholas. This report the American minister declared was untrue, but that it was supposed that General Leconte had made arrangements with the Hamburg-American Steamship Company by which if elected he would favor granting the company a place near the mole for storing coal and also that he would grant the company concessions giving it almost exclusive control over certain mineral lands on the island. On the discovery and publication of Leconte's proposed agreement by his opponents, great

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<sup>19</sup> F. R., 1902, p. 579.

<sup>20</sup> *Ibid.*, pp. 587 ff.

<sup>21</sup> *Ibid.*, pp. 590 and 591.

opposition to him was aroused and, although both he and the German Company's agents at once published denials of the arrangement, the denials were not generally credited. The feelings of most Haitians had been hostile to Germany since the time of the Lueders incident, and the result was that the populace forcibly broke up the election proceedings, prevented the election of General Leconte and caused him soon afterward to leave the island.

Meanwhile a committee of public safety had taken charge of affairs, and, although not formally recognized by the foreign diplomatic corps, was in general treated as a provisional government. The main issue of the revolution then continued to be the attempt of the former candidate Mr. Firmin, to secure the presidency by force. He received support by sea from the Haitian Vice-Admiral Killick, who in his gunboat, the "*Crête-à Pierrot*," cruised the Haitian waters carrying ammunition to the Firminist forces and holding up Haitian merchant vessels loaded with supplies for the provisional government. The admiral had been declared an outlaw by the provisional government, which requested the members of the foreign diplomatic corps to consider him as such and to capture his vessel. This the foreign representatives felt that they could not do, since the admiral had committed no depredations on neutral vessels on the high seas and no other acts fulfilling the conditions of outlawry as determined by international law. Later, however, Admiral Killick held up a German merchant vessel, the "*Markomannia*," sent an armed crew on board and took from the vessel arms and ammunition intended for provisional government forces.<sup>22</sup> This action met with prompt response from the German Government. It despatched at once the corvette "*Panther*" in pursuit of Admiral Killick. On finding the "*Crete*" anchored in the harbor of Gonaives the German commander ordered the surrender of the vessel. This was refused, Thereupon the "*Panther*" fired upon and sank the "*Crete*."<sup>23</sup> Although the

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<sup>22</sup> F. R., 1902, p. 645.

<sup>23</sup> Ibid., pp. 656 ff. Admiral Killick, seeing that his vessel was helpless, sent his crew ashore and then arranged powder about the *Crete* and blew up himself and his ship. This dramatic act won the admiration of the Haitians, strengthened the Firminist power and increased the hostility to the Germans.

act was one of assistance to the provisional government, which had again called upon the powers to capture the vessel as a pirate ship, the effect was nevertheless in general to increase the hostility of the Haitian people toward Germany. As was the case after the Lueders episode, reports immediately were circulated that the American Government would take over the island. The Haitian minister at Washington warned<sup>24</sup> his government that the American press was calling for intervention and annexation. This excitement aroused by the German demonstration was allayed by Mr. Adee's statement contradicting all reports of the intention of the United States to annex Haiti. The American Government made no public protest to Germany for the action of the "Panther," and that fact was received with satisfaction by the German press, which considered it evidence that the "Monroe Doctrine did not mean that the United States would object to the proper protection of its commercial interests by a European power."<sup>25</sup>

The controversy, however, which assumed the greatest proportions of those episodes involving Germany's attitude toward the Monroe Doctrine was that of the claims against Venezuela during the years 1901 to 1904. The German case as presented by the Imperial Government to the United States in December of 1901<sup>26</sup>

<sup>24</sup> F. R., 1902, p. 665

<sup>25</sup> Ibid., p. 443.

<sup>26</sup> F. R., 1901, pp. 192 ff. For correspondence between Germany and Venezuela on which this statement of Germany's is based, see Sen. Doc. No. 119, 58th Cong., 3rd Sess., Part III, Appendix to the Case of Venezuela. This correspondence shows (p. 261) that Germany did at this time propose to Venezuela that the claims of German subjects be submitted to arbitration. Translation by source.

IMPERIAL LEGATION OF GERMANY IN VENEZUELA,  
CARACAS, July 16, 1901.

"The proposal which I already had the honor to make orally to your excellency is as follows:

The Venezuelan Government on the one part, and the Imperial Legation on the other, would each name an arbitrator, so that both would jointly examine the claims of German subjects growing out of the civil wars.

Whenever the arbitrators should agree the payment of the indemnity would be effected without any delay whatever, and all cases in which the arbitrators could not come to an agreement would be made the subject of special conferences between the Venezuelan Government and the Imperial Legation. If these were likewise barren of result, then the matter would in advance be deferred to the arbitral tribunal of The Hague for a decision.

While believing that this, my proposal, meets all the demands of equity, I would nevertheless lay special stress on the point that, should the Venezuelan

was as follows: In building the great Venezuelan Railway the Venezuelan Government had borrowed large sums from the Berlin Company of Discount (Berliner Discontogesellschaft) and had failed to meet its obligations, which were steadily increasing. In addition the German citizens residing in Venezuela had sustained heavy losses during the civil wars of 1898 to 1900. The German Government became convinced that the Government of Venezuela did not intend to try to meet these obligations, since it had enacted on the subject of foreign claims several decrees, one of which dismissed from consideration all claims for damages received before the administration of President Castro. The efforts of the German Government to induce the Castro Government to alter these decrees had been fruitless. It had therefore declared its refusal to abide by the decrees and similar action had been taken by other interested powers, including the United States. Under these circumstances the Imperial Government held that further negotiations with Venezuela were hopeless, and announced its intention of presenting an ultimatum to President Castro. If this should be disregarded measures of coercion were to be applied. First, however, the German Government considered it important to inform the United States of its purposes. These, it declared, had nothing else in view than to help German citizens who had suffered damages, and aimed under no circumstances at the acquisition or permanent occupation of Venezuelan territory. The measures of coercion contemplated in the event of the refusal of Venezuela to accept the ultimatum were "first of all the blockade of the more important Venezuelan harbors," and later, if this did not seem efficient, Germany would have to consider the temporary occupation of different Venezuelan harbors and the levying of duties in those places.

Such was the situation and program as formally presented by Ambassador von Holleben to Secretary Hay. The United States

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Government have any reason whatever for not being suited with it, I stand ready to accede to any other solution of the question by which the coöperation of the authorities of the Empire in the examination of the claims of German subjects and in the determination of the indemnities appertaining thereto will be assured. Such a coöperation is the only foundation on which a solution of the question can be established."



in reply accepted the assurances of the German Government.<sup>27</sup> Secretary Hay at the same time quoted in his memorandum the principles of the Monroe Doctrine, as expressed by President Roosevelt only two weeks previous in his message to Congress. The Monroe Doctrine President Roosevelt had declared to be "a declaration that there must be no territorial aggrandizement by any non-American power at the expense of any American power on American soil," but that it was "in no wise intended as hostile to any nation in the Old World." Finally, the President asserted, "We do not guarantee any State against punishment if it misconducts itself, provided that punishment does not take the form of the acquisition of territory by any non-American power." The German ambassador on his recent return from Berlin having "conveyed personally to the President the assurance of the German Emperor that His Majesty's Government had no purpose or intention to make even the smallest acquisition of territory on the South American Continent or the islands adjacent," the President, according to Hay's memorandum, accepted these assurances and stated that he believed no measures would be taken by agents of the German Government contrary to the declared purpose of the emperor.

The announcement of Germany's intention to enforce her claims against Venezuela was presented singly and with no reference to the action of other European powers. The subject was given a new phase, however, during the following year when the German temporary alliance with Great Britain became public. The initiative seems to have been taken by Germany.<sup>28</sup> On July 23, 1902,

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<sup>27</sup> F. R., 1901, p. 195.

"The President of the United States, appreciating the courtesy of the German Government in making him acquainted with the state of affairs referred to, and not regarding himself as called upon to enter into the consideration of the claims in question, believes that no measures will be taken in this matter by the agents of the German Government which are not in accordance with the well-known purpose, above set forth, of His Majesty the German Emperor."

<sup>28</sup> A. & P., 1902, CXXX (Cd-1372), No. 2. See also Thayer: *Life of Hay*, Vol. II, pp. 284 ff.

Mr. Thayer states, "By offers which cannot yet be made public, Germany persuaded the Tory Government to draw closer to her." . . . In refer-

the Marquess of Lansdowne records an interview with the German ambassador in which the latter spoke to him of affairs in Venezuela. Lord Lansdowne informed the German representative that Great Britain had various causes of complaint against Venezuela, that it intended to obtain satisfaction for the claims of British subjects and that the British Government would be quite ready to confer with the German Government with a view to joint action. The British causes of complaint against Venezuela as put forward by the foreign office<sup>29</sup> were, in addition to the financial claims of British subjects, the interference of the Venezuelan Government in the liberty and property of British subjects and the refusal of the Government of Caracas to heed the British protests or to render satisfaction.<sup>30</sup> These complaints, together with the small amount of shipping claims involved in their settlement, became in the course of the controversy the British "first-line claims," and were placed beside those of the Germans incurred during the revolutions of 1898 and 1899, as subjects which would not be submitted to arbitration.

With the prospect of mutual aid both governments decided that further claims could be pressed.<sup>31</sup> Consequently they formulated

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ence to Great Britain's part in the proceedings, Mr. Thayer writes (p. 289): "England, we presume, had never intended that her half-alliance with Germany should bring her into open rupture with the United States. Although her pact was kept as secretly as possible at home, inklings of it leaked out, and it has since been esteemed, by those who know the details, one of the least creditable items in Lord Salisbury's foreign policy. Whether he or Mr. Balfour originated it, the friends of neither have cared to extol it, or indeed to let its details be generally known."

<sup>29</sup> A. & P., 1902, CXXX (Cd-1372), No. 1. The Venezuelan Government had refused to consider British claims until its own claims for reparation for damages inflicted by the insurgent gunboat the "Ban Righ," with the assistance of the authorities of Trinidad, should have received satisfaction from the British Government. These claims of the Venezuelan Government were steadily refused. There was also a dispute between the British and Venezuelan governments over the island of Patos, each claiming ownership.

<sup>30</sup> A. & P., 1903, LXXXVII (Cd-1399), No. 122. On one occasion, when the British minister had presented with much emphasis the serious character of the British demands and intentions, the Venezuelan Minister of Foreign Affairs replied that they were used to such communications. The British minister at once retorted that that might be the case, but not from England.

<sup>31</sup> Sen. Doc. No. 119, 58th Cong., 3rd Sess., p. 224.

a second class of demands, Germany placing in this class her claims arising out of the civil war still going on, and also the large amounts owed to the Discontogesellschaft for the building of the Venezuela railway. Great Britain decided to include as second-class claims the demands of the English railways in Venezuela for damages done to their lines and for the failure of the Venezuelan government to meet liabilities. These further demands were to be enforced<sup>32</sup> in case the two powers upon the refusal of Venezuela to yield should have recourse to coercive measures. At the suggestion of the German Government<sup>33</sup> the two countries agreed further that should such coercive action be undertaken, each would support the other's demands and that (except by mutual agreement) neither would withdraw from the undertaking until the demands of both should be satisfied.

There remained, therefore, only the methods of procedure to be considered. The German ambassador suggested in general terms that the two powers concerned should take part in a joint naval demonstration.<sup>34</sup> The British Foreign Office thereupon consulted the admiralty for the views of the Lords Commissioners

<sup>32</sup> A. & P., 1903, LXXXVII (Cd-1399), No. 137.

<sup>33</sup> A. & P., 1902, CXXX (Cd-1372), No. 13.

The Marquess of Lansdowne to Mr. Buchanan.

FOREIGN OFFICE, November 11, 1902.

(Extract)

"As to the joint execution of measures of coercion, the German Government recognized that there was a sharp distinction between the character of the British and German "first-line" claims; nevertheless, the two claims ought to stand or fall together, and we ought to exclude the possibility of a settlement between Venezuela and one of the two powers without an equally satisfactory settlement in the case of the other. Each Government ought, therefore, to come to an understanding before it embarked upon a project of coercion that neither Government should be at liberty to recede except by mutual agreement; and before common action was initiated, we ought to come to a distinct agreement to this effect.

I told Count Metternich that it seemed to be only reasonable that if we agreed to act together in applying coercion, we should also agree that each should support the other's demands, and should not desist from doing so except by agreement."

<sup>34</sup> A. & P., 1902, CXXX (Cd-1372), Nos. 5 and 6. The Admiralty advised, however, that such a blockade should be deferred till November when the unhealthy season would be over. Vice-Admiral Douglas (see Inclosure in No. ) also advised waiting till November when the Newfoundland fishery season should have concluded and released the ships employed on that division.

as to the most effectual and convenient manner of putting pressure on the Venezuelan Government. The admiralty replied that the best method would be a blockade of Venezuelan ports—which could be effectively accomplished by the British squadron already present at the North America and West Indies station. The Vice-Admiral at Halifax, however, suggested as an alternative scheme to the blockade that all the Venezuelan gunboats should be seized until the demands should be complied with. This suggestion was approved by the Foreign Office as preferable,<sup>35</sup> a blockade appearing open to some objection. Lord Lansdowne therefore informed the German Government that the first measures of coercion would be the seizure of the gunboats, and that if this should not produce the desired effect it would, of course, be necessary to decide what should be the next step, and that this further action would be carefully considered. This plan was agreed to by Germany.

Having settled upon the military measures to be taken following a refusal of Venezuela to accede to the demands the next matter to be decided was the diplomatic procedure.<sup>36</sup> Hereupon the German Government was seized with compunctions concerning the fact<sup>37</sup> that its last notes with Venezuela had been exchanged six months before and had not been “couched in a tone which would justify an immediate resort to coercion.” Therefore the Imperial Government considered it necessary to give Venezuela one more chance and suggested that each of the two powers should simultaneously present an ultimatum, embodying its own collective demands and referring to the demands of the other power. This

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<sup>35</sup> *Ibid.*, Nos. 10 and 14.

<sup>36</sup> A. & P., 1903, LXXXVII (Cd-1399), Nos 134 and 138. As the German Government had done in 1901, the British Government now informed the United States of its intention of using force against Venezuela. The British Government did not, however, refer to its intentions in regard to the occupation or acquisition of Venezuelan territory. Secretary Hay replied that, although “the United States Government regretted that European Powers should use force against Central and South American countries,” it “could not object to their taking steps to obtain redress for injuries suffered by their subjects, provided that no acquisition of territory was contemplated.”

<sup>37</sup> A. & P., 1903, LXXXVII (Cd-1399), No. 153.



final effort, the German ambassador explained, need not delay the active measures arranged, since the ultimatums might be presented at once and a period of twenty-four hours granted for compliance.

The agreement finally reached<sup>38</sup> was that the ultimatums should be presented simultaneously, though without announcing to Venezuela the twenty-four-hour time-limit. The communications should demand that the Venezuelan Government accept in *principle* all the German-British claims, accept without fresh investigation the so-called first-line claims and agree to refer to a mixed commission the claims of the second class.

At this juncture, just a few days before the presentation of the British-German ultimatums, Italy appeared on the scene and announced her desire to take part in the coercive measures.<sup>39</sup> The Italian Minister of Foreign Affairs informed the British representative at Rome that Italy also had just cause for complaint against Venezuela, that the Italian Government had informed the United States of its intention to use coercive measures and had received a very satisfactory reply. Therefore the Italian Government, although not disposed to take the initiative in this undertaking,

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<sup>38</sup> A. & P., 1903, LXXXVII (Cd-1399), No. 153. The German Government classified its demands as follows:

"(a) Payment of the German claims arising out of the civil wars of the years 1898-1900, amounting to about 1,700,000 bolivars.

(b) Settlement of claims arising out of the present civil war in Venezuela.

(c) Guarantee for the claims of German firms on account of the building of the slaughter-house in Caracas, amounting to a round sum of 800,000 bolivars.

(d) Guarantee for the payment of the claims of the German Great Venezuela Railway Company for interest and sinking fund of the Venezuelan Loan of 1896."

The demands under class (a) the Imperial Government stated had already been thoroughly investigated and it refused to have them subjected to a fresh examination at the hands of the Commission. (The investigations, however, had been made by German authorities—alone—on the ground that Venezuela had refused a mixed commission.) The British claims to be "paid at once" (see *Ibid.*, No. 161) were "the compensations in the shipping cases, and in cases where British subjects have been falsely imprisoned or maltreated," and in addition to these a sum sufficient to make the whole immediate payment equal to that which might in the first instance be paid to the German Government.

<sup>39</sup> A. & P., 1903, LXXXVII (Cd-1399), Nos. 162 and 166.

would be glad to join in any action taken by Great Britain if this should be favorably viewed by the British Government.

The reception given to this proposal was not enthusiastic. Lord Lansdowne told the Italian Ambassador that while in principle he saw no objection to Italian participation, there were many practical difficulties. The British Government had for some time past been discussing with the German Government the scope and character of the measures to be taken and these measures had required most careful consideration, "not only on account of the manner in which they affected the two European powers concerned, but on account of the international questions to which they were calculated to give rise." Having reached an agreement and proposing to take action at once, there was no time available for settling the conditions upon which Italy might join Great Britain and Germany, "supposing that were desired." Lord Lansdowne therefore ventured to suggest that under the circumstances the Italian Government should not press its demands at that moment. The Italian ambassador seemed in no wise disheartened by this reception. He replied that while he realized that it would probably be impossible for Italy to take part in the initial action agreed upon by Germany and Great Britain, still he thought it desirable to enter into discussion of the coöperation of Italy in the near future. In the meanwhile Italian ships might visit Venezuelan waters to show that "Italy was not indifferent to what was occurring." Lord Lansdowne promised to confer with Germany on the subject.

Throughout these preparations for naval action against Venezuela the United States had made no formal protest and had informed both Great Britain and Germany that it would put forward no objections so long as there should be no attempt at the acquisition of Venezuelan territory.<sup>40</sup> Secretary Hay made it quite clear, however, that such application of force to a South American country was regretted by the Government of the United States. Evidence of his effort diplomatically to divert the two countries

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<sup>40</sup> F. R., 1901, p. 195, and A. & P., 1903, LXXXVII (Cd-1399), No. 138.

from their contemplated action is revealed in the official approval<sup>41</sup> given to the efforts of the banking firm of Seligman & Co. to effect a settlement of the Venezuelan debt. Secretary Hay telegraphed to the American representatives at Berlin and London, informing them of the efforts of Seligman & Co., and stating that at the request of that company it gave him pleasure to say that "the President would be glad if such an arrangement could be made as might obviate the necessity of any exhibition of force on the part of Germany and Great Britain." It was to be understood, however, that the United States Government assumed "no obligation whatever in the nature either of a material or moral guarantee of any liabilities created by the transaction." This attempt to assist the banking firm to settle an international difficulty was without result.

Germany and Great Britain presented their ultimatums to Venezuela on December 7, 1902.<sup>42</sup> During the following day President Castro published in the newspapers a statement<sup>43</sup> declaring that foreign creditors must await the reestablishment of peace when all promises would be fulfilled, and that in the meantime he would not try to "placate with phrases" nor "accept humiliation." The ultimatums, therefore, were rejected,<sup>44</sup> and on the 9th the two

<sup>41</sup> F. R., 1903, pp. 418 ff. and p. 452. The correspondence with Great Britain shows no reply to the instructions sent to Mr. White. In the correspondence with Germany the American Ambassador records a declaration by Doctor von Muehlberg of the Foreign Office that aside from newspaper accounts he knew nothing of the efforts of Seligman & Company.

<sup>42</sup> V. R., 1900-1903, VII, Anlageband, M. 786, S. 4957. (Contains official government account (Denkschrift) of Germany's case against Venezuela.) See also Sen. Doc. No. 119, 58th Cong., 3rd Sess., pp. 272 ff.

<sup>43</sup> F. R., 1903, p. 789.

<sup>44</sup> Sen. Doc. No. 119, 58th Cong., 3rd Sess., p. 279. After setting forth at length his country's side of the case, the Venezuelan Minister of Foreign Relations concluded, in reply to the German ultimatum as follows:

"Having thus returned in an essentially conciliatory and friendly manner a reply to your note, I pass by, under special orders of the Government, that part which relates to the joint action of the Empire and the United Kingdom; for a power like Venezuela, which need not be urged, much less constrained, to discharge as far as it is in its power, its lawful obligations, will never, in its intercourse with the other civilized nations, look for anything that will not be in accordance with the principles of mutual respect and with the rules of reciprocal cordiality."

powers entered upon their program. Both British and German interests were placed in charge of Mr. Bowen, American minister at Caracas and the Venezuelan gunboats in the harbor of La Guayra were seized by the combined forces, no resistance being offered.<sup>45</sup> The German commander sank the two vessels captured by him.<sup>46</sup> These actions aroused great excitement in Caracas and resulted in attacks on the legations and the imprisonment of many German and British subjects. Mr. Bowen's efforts to obtain their release were not immediately successful.

The counter-effect of the Venezuelan demonstrations was that the attacking powers lost no time in advancing to the second measure on their program—the blockade. Just two days after the seizure of the gunboats the decision was reached that these measures already taken would not be sufficiently effective and that the blockade should commence as soon as possible.<sup>47</sup> The blockade was formally announced on the 20th and included the ports of La Guayra, Caranero, Guanta, Cumana, Carupano and the mouths of the Orinoco. In the meantime the overtures of Italy had been accepted, and it was agreed that if a blockade should be resorted to Italy might take part in it. Vessels of the three nations, therefore, held the blockaded harbors.

The establishment of the blockade gave rise to a discussion with the United States as to the status and character of such a measure when not accompanied by a declaration of war. In its first note on this subject to the United States in 1901<sup>48</sup> the German Government

<sup>45</sup> A. P., 1903, LXXXVII (C-1399), Nos. 173 and 174.

<sup>46</sup> F. R., 1903, p. 422. The reason given for sinking the ships was that the two vessels were not sufficiently seaworthy to undertake the voyage to Trinidad under their own steam, and to have towed them there would have impaired the movements of the German squadron in search of the rest of the Venezuelan fleet.

<sup>47</sup> Ibid., Nos. 182 and 183.

<sup>48</sup> F. R., 1901, p. 196.

Promemoria.

IMPERIAL GERMAN EMBASSY,

WASHINGTON, December 20, 1901.

"In case the German Government should be obliged to use coercion against Venezuela in connection with the pending claims, it will have to be considered what kind of measures should be applied. The most important measure of coercion—that is, the blockade of Venezuelan harbors—would have to be carried through without a declaration of war preceding it. The blockade



had declared that the measures to be taken would not be preceded by a declaration of war, would constitute only a peace blockade, but would affect neutral ships which would have to be turned away from the harbor.<sup>49</sup> The United States refused to acquiesce in this extension of the doctrine of pacific blockade to include interference with the commerce of neutral nations, and Secretary Hay referred to the fact that the American Government had taken this same stand in 1897 when the European powers had declared a similar blockade of Crete.<sup>50</sup> The German Government later informed<sup>51</sup> Secretary Hay that although Germany was at first inclined to a peace blockade, Great Britain had insisted on establishing a warlike one, to which Germany had yielded.<sup>52</sup> The stand taken by Great Britain coincided<sup>53</sup> with the viewpoint of the United States, which recognized no form of blockade affecting neutral commerce except the complete effective blockade of war as laid down by international law. Mr. Balfour, British Prime Minister, declared before the House of Commons that personally he agreed with the United States that there could be no such thing as a peace blockade and that a blockade did involve a state of war. Never-

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would therefore be a peace blockade. Such a blockade would touch likewise the ships of neutral powers, inasmuch as such ships, although a confiscation of them would not have to be considered, would have to be turned away and prohibited until the blockade should be raised. In the same manner European states have proceeded on such occasion, especially England and France."

<sup>49</sup> F. R., 1903, pp. 420 and 421.

<sup>50</sup> F. R., 1897, p. 255. In reply to the announcement by the powers of the blockade of Crete, Secretary Sherman wrote (March 26, 1897):

"As the United States is not a signatory of the treaty of Berlin, nor otherwise amenable to the engagements thereof, I confine myself to taking note of the communication, not conceding the right to make such a blockade as that referred to in your communication, and receiving the consideration of all international rights and of any questions which may in any way affect the commerce or interests of the United States."

<sup>51</sup> F. R., 1903, p. 421.

<sup>52</sup> F. R., 1903, p. 454. The British Minister of Foreign Affairs explained to Mr. White that Germany had used the word "war-like blockade" because a regular "jure gentium" blockade required a vote of the Bundesrath. This full, recognized form was insisted on by Great Britain and the vote of the Bundesrath endorsed it.

<sup>53</sup> Parliamentary Debates, Session 1902, Vol. 16, pp. 1490 f.

theless both countries avoided<sup>54</sup> a direct declaration of war against Venezuela. The whole controversy over the doctrines involved in the blockade has been considered<sup>55</sup> important as having established the American viewpoint and having definitely fixed the status of the "pacific blockade."

But the theoretical aspects of the case were of less pressing significance to the United States than the facts of the situation and the immediate intentions of the blockading powers in Venezuela. The German Government had announced in 1901 that it considered under no circumstances the acquisition or permanent occupation of Venezuelan territory, but it had suggested at that time that it might consider temporary occupation necessary. Mr. Balfour, on the other hand, declared before the House of Commons<sup>56</sup> that the British Government had no intention of landing troops<sup>57</sup> in Venezuela or even temporarily of occupying territory there. The United States Government was anxious to prevent, if possible, occupation in any form, even though declared to be temporary. As President Roosevelt stated<sup>58</sup> to Ambassador von

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<sup>54</sup> F. R., 1903, p. 421. The German Secretary of State for foreign affairs declared to Ambassador Tower that Germany had ("at present") no intentions of declaring war or of going beyond the measures of a "war-like blockade." In the House of Commons Mr. Balfour met the question as follows: Mr. A. J. Balfour:

"The question of the honorable and learned Gentleman the member for Louth, does not arise when you are in a state of war with a third party."  
Mr. T. M. Healy:

"A state of war! Has war been declared?"  
Mr. A. J. Balfour:

"Does the honorable and learned gentleman suppose that without a state of war you can take the ships of another Power and blockade its ports?"

<sup>55</sup> North American Review, 1903, Vol. CLXXVII, pp. 86 ff., article entitled "The Anglo-German Intervention in Venezuela," by W. L. Penfield, Solicitor of the Department of State, Agent and Counsel for Venezuela and the United States at the Venezuelan Arbitration before the Hague Tribunal.

<sup>56</sup> Parliamentary Debates, Session 1902, Vol. 16, pp. 1290 and 1490.

<sup>57</sup> A. & P., 1903, LXXXVII (Cd-1399), Nos. 192 and 230. After bombarding the forts, a British force was landed at Puerto-Cabello, but withdrew after dismantling the fort guns. The German warships took part in the bombardment (F. R., 1903, p. 796).

<sup>58</sup> Thayer, Life of Hay, Vol. II, Appendix, p. 413.

Holleben, Kiao-Chao was not a permanent possession of Germany's merely held by a ninety-nine year lease, and he did not intend to have another Kiao-Chao on the approach to the Panama Canal.

For this reason the United States Government gave support at once to the prompt proposal of Venezuela that the differences with Great Britain and Germany be submitted to arbitration.<sup>59</sup> Mr. Bowen, the American minister, was permitted to accept the request of the Venezuelan Government that he act as arbitrator representing Venezuela should the other powers agree to arbitrate. The crux of the whole controversy thus became the endeavor to induce Great Britain and Germany to arbitrate. Here the published correspondence reveals no hint of the decisive action taken by President Roosevelt.<sup>60</sup> This correspondence<sup>61</sup> shows only the following facts: First, that the United States forwarded without comment to Great Britain and Germany the Venezuelan proposal to arbitrate. Secondly, that the German minister gave to Lord Lansdowne as his personal view that "there seemed to him to be considerable objections to encouraging the idea of arbitration" and that this personal view had later been sustained by his instructions from his government. Thirdly, that Great Britain also considered the Venezuelan proposal, as it stood, to be unacceptable, for the same reasons in the main as those advanced by the German Government, but that Great Britain, while refusing to arbitrate concerning cases of injury to the person and property of British subjects, suggested that the other claims be submitted to arbitration and that the United States be invited to arbitrate upon them. It may be also significant of a divergence of policy between Great Britain and Germany that Lord Lansdowne told the German Ambassador that it seemed to him desirable that the countries send separate replies to the Venezuelan proposal—although he considered that in substance they should make them as similar as possible. Also the correspondence shows that the United States

<sup>59</sup> F. R., 1903, pp. 790 ff.

<sup>60</sup> Thayer, *Life of Hay*, Vol. II, pp. 286 ff. and Appendix. This action of President Roosevelt was first made public by Mr. Thayer in the above work.

<sup>61</sup> A. & P., 1903, LXXXVII (Cd-1399), Nos. 185, 190, 191, 193, 195, 198, 199. Also F. R., 1903, pp. 423 ff., 453 ff. and 790 ff.

repeated its inquiries concerning the intentions of the blockading powers, adding this time the recommendation of the American Government that the Venezuelan proposals be accepted. And, fourthly, that shortly thereafter the principle of arbitration for certain classes of claims was accepted by both the British and German Governments.

There has since been revealed,<sup>62</sup> however, the pressure exercised by President Roosevelt upon the German Government before it announced willingness to arbitrate. The President had become convinced that Germany was the leader in the transaction and intended to seize some Venezuelan harbor and fortify it with a view to exercising some degree of control over the prospective Isthmian Canal. Mr. Roosevelt also became convinced that Great Britain would not back Germany in the event of hostilities with the United States over the situation. The President therefore assembled for maneuvers in the West Indies under Admiral Dewey an American squadron superior to the German fleet assembled at Venezuela. Admiral Dewey was given secret instructions to have his fleet "in fighting trim" and ready to sail at an hour's notice. When, therefore, the German Ambassador von Holleben repeated that his government would not arbitrate, President Roosevelt notified him that unless within a specified number of days the German Government should signify its willingness to arbitrate, Dewey would be ordered to Venezuela to "see that the German forces did not take possession of any territory." Though the German ambassador expressed grave concern over the consequences of such an act, he seems to have concluded<sup>63</sup> that President Roosevelt was bluffing, for the Imperial Government furnished no reply within the time set. Thereupon President Roosevelt notified him that there was no use waiting longer and that Admiral Dewey would be ordered to sail a day earlier than the date specified. The German ambassador then awoke to the situation. He discovered that not only was the American President not bluffing, but that

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<sup>62</sup> Thayer, *Life of Hay*, Vol. II.

<sup>63</sup> *Ibid.*, p. 416. It is asserted in an inclosure in Roosevelt's letter to Mr. Thayer that it was this misjudgment of the Venezuelan situation which caused von Holleben's recall.



the American fleet, outmatching in strength the German naval forces, was in readiness and could act to advantage in the Caribbean. Within twenty-four hours President Roosevelt received from the German Emperor not only the consent to arbitrate but the invitation that the President himself act as arbitrator. Thereupon Mr. Roosevelt publicly expressed his gratification at this endorsement by Germany of the principle of arbitration.

By the decisive action the President thus, without letting the public become aware of it, removed what he evidently believed to be a real threat against the Monroe Doctrine in the region of his pet enterprise, the Isthmian Canal. The American Ambassador to Germany, Dr. White, seems not to have shared in any degree the President's suspicions of the purposes of Germany. The action of the German naval forces at Venezuela he describes<sup>64</sup> as "perfectly legitimate," and states that "the Monroe Doctrine

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<sup>64</sup> White, *Autobiography*, Vol. II, pp. 247 and 248. After relating the acts of the Castro Government in Venezuela, Dr. White states:

"At this the German Government, as every government in similar circumstances is bound to do, demanded redress and sent ships to enforce the demand. This was perfectly legitimate; but immediately there arose in the United States an outcry against a 'violation of the Monroe Doctrine.' As a matter of fact, the Monroe Doctrine was no more concerned in the matter than was the doctrine of the Perseverance of the Saints; but there was enough to start an outcry against Germany, and so it began to spread. The Germans were careful to observe the best precedents in international law, yet every step they took was exhibited in sundry American papers as a menace to the United States. There was no more menace to the United States than to the planet Saturn. The conduct of the German Government was in the interest of the United States as well as of every other decent government. Finally, the soldiers in a Venezuelan fort wantonly fired upon a German war vessel—whereupon the commander of the ship, acting entirely in accordance, not only with international law, but with natural right, defended himself, and knocked the fort about the ears of those who occupied it, thus giving the creatures who directed them a lesson which ought to rejoice every thinking American. At this the storm on paper against Germany, both in America and Great Britain, broke out with renewed violence, and there was more talk about dangers to the Monroe Doctrine. As one who, at The Hague Conference, was able to do something for recognition of the Monroe Doctrine by European powers, and who, as a member of the Venezuelan Commission, did what was possible to secure justice to Venezuela, I take this opportunity to express the opinion that the time has come for plain speaking in this matter. Even with those of us who believe in the Monroe Doctrine there begins to arise a question as to which are nearest the interests and the hearts of Americans—the sort of 'dumb driven cattle' who allow themselves to be governed by such men as now control Venezuela, or the people of Germany and other civilized parts of Europe, as well as those of the better South American republics, like Chile, the Argentine Republic, Brazil, and others, whose interests, aspirations, ideals, and feelings are so much more closely akin to our own."

was no more concerned in the matter than was the doctrine of the Perseverance of the Saints." He also declared that "There was no more menace to the United States than to the planet Saturn" and that "the conduct of the German Government was in the interest of the United States as well as of every other decent government." Absolute proof of Germany's intention to overthrow its assurances and seek to acquire territory in Venezuela at this period has not been made public. But the reluctance to arbitrate, the increased assertion of power in regions of the Caribbean within the few years preceding the acquisition of the canal rights by the United States, the programs of the Pan-Germanists, and the general expansion policy as frequently expressed by German Government officials, combine to create foundation for the fears of the President.

The subsequent negotiations related rather to the measures of securing payment, to the principle of equal treatment of creditor nations and to the procedure of arbitration rather than to the Monroe Doctrine, yet they are significant of the contrasting policies of the United States and the blockading powers toward a debtor state. The allied<sup>65</sup> powers demanded that Venezuela recognize in principle all their claims and offer provision for immediate payment of their "first-line" claims which they had declared to be not suited for settlement by arbitration.<sup>66</sup> Mr. Bowen, duly accepted as representative of the case of Venezuela, forwarded the reply of President Castro that, bowing to superior force, he recognized in principle the claims of the allied powers. This was not considered satisfactory, the allied governments demanding to know the means by which Venezuela would guarantee payment of their

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<sup>65</sup> F. R., 1903, pp. 602 and 606. Italy declared that, while well disposed to arbitration, she would be governed in her action by the attitude of Germany and Great Britain. Italy later proposed as her conditions of arbitration: First, that the arbitration should include all her claims against Venezuela so as to leave nothing for further dispute; second, that her claims should receive precisely the same treatment and guarantees as the claims of other countries.

<sup>66</sup> A. & P., 1903, LXXXVII (Cd-1399), Nos. 199, 215, 228. See especially Lord Lansdowne's instructions to Sir M. Herbert, British Ambassador at Washington in No. 234.

claims. This guarantee was later declared to be the receipts from the customs houses.<sup>67</sup>

Meanwhile the blockade of Venezuelan ports was maintained and the negotiations with Mr. Bowen at Washington were hampered by a new problem—that of the treatment of the claims against Venezuela of the other nations who had taken no part in the blockade. The government of Venezuela was ready to accord equal treatment to all and Mr. Bowen had stated that 30 per cent. of the customs receipts of the ports of La Guayra and Puerto Cabello represented the maximum amount which Venezuela could afford. The British and German Governments, upon computing the average income from those ports, realized that should this amount be divided equally among all the creditor nations (a long list) the full payment of their claims would take many years, and that “the interest of the creditors would be far from assured considering the insecurity of affairs in Venezuela.” They therefore demanded preferential treatment for the three blockading powers.<sup>68</sup>

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<sup>67</sup> Ibid., No. 236. President Castro's declaration embodied in the form of a confidential postscript to Mr. Bowen, that the guarantee of the payment would be the customs houses, seems not to have been forwarded to the German Government, although it was forwarded to the British. The German ambassador at London stated to Lord Lansdowne that President Castro's answer had contained no statement as to when or how the payment was to be made. Lord Lansdowne, who had received the confidential postscript, appears to have made no mention of it to the German Ambassador but advised against pressing President Castro further on that point.

<sup>68</sup> Ibid., 236 and 245.

No. 236.

The Marquess of Lansdowne to Sir F. Lascelles:

FOREIGN OFFICE, January 15, 1903.

. . . . (Lord Lansdowne relates to Sir F. Lascelles his interview with the German Ambassador):

“His Excellency called my attention to the fact that President Castro's letter apparently contemplated that Mr. Bowen should confer not only with the Representatives of Great Britain and Germany, but with those of all other nations having claims against Venezuela. His Excellency regarded this instruction with some alarm.

I said that it seemed to me that the blockading powers stood on an entirely different footing from the rest, and that in my view, it would be impossible for us to allow our Representatives to take part in a general discussion at which a number of other Powers would also be represented.

In my view the most convenient procedure would be that the British and German Representatives should negotiate separately with Mr. Bowen but should keep one another fully informed as to their proceedings. . . .”

Mr. Bowen, who, as representative of Venezuela, had signed an agreement assigning the 30 per cent. of the customs receipts of the two ports to satisfy the claims of *all* the creditor nations, refused<sup>69</sup> to grant to the blockading powers a preferred status in relation to their claims. He considered it unjust to tie the hands of the other nations for the five or six years required to pay the claims and that to grant such a reward to those who had used force would encourage the other nations to use the same method. He also contended that if the allied powers wanted preferential treatment, they should have asked for this in the beginning and not after he had understood that all their conditions had been presented. The British Government replied that it refused to be bound by any agreements Mr. Bowen might have made with other powers. The outcome of this controversy was that in the separate protocols<sup>70</sup> signed by Mr. Bowen for Venezuela with Germany, Great

<sup>69</sup> Ibid., No. 252.

Sir M. Herbert to the Marquess of Lansdowne. (Received Jan. 29.)

(Telegraphic)

WASHINGTON, January 29, 1903.

"Venezuela. The Italian Ambassador, the German Chargé d'Affaires, and I called to-night on Mr. Bowen. I informed him that we were forced to reckon with public opinion in England, and that it might be necessary to fall back on the Tribunal of the Hague.

We were unable to obtain a satisfactory answer from Mr. Bowen, who was very obdurate.

He ultimately made a statement in reply in the following terms:

'I object to paying first the claims of the allied Powers and the claims of the other nations afterwards, because

1. I think it is unjust, unfair, and illegal to tie the hands of the said other nations for the period of five or six years that it would take to pay the claims of the allied Powers;

2. If I recognize that brute force alone can be respected in the collection of claims I should encourage the said other nations to use force also; -

3. If the allied Powers wanted preferential treatment they should have asked for it in the beginning, and should not now propose it after I understood that all the conditions of the allied Powers had been stated.

If, however, this demand for preferential treatment is raised simply as a point of honor, I am willing to agree that the entire 30 per cent. be paid to the allied Powers for the first month!"

<sup>70</sup> Sen. Doc. No. 119, 58th Cong., 3rd Sess.: Venezuelan Protocol with Great Britain, pp. 769 ff. Venezuelan Protocol with Germany, pp. 831 ff. Venezuelan Protocol with Italy, pp. 849 ff. (also pp. 23 to 40). Each of the three powers received an immediate cash payment of 5500 pounds. All further claims of Great Britain were referred to a mixed commission. The German claims originating from the Venezuelan civil wars of 1898 to 1900 (the "first rank claims") amounted to 1,718,815.67 bolivars, and were to be paid in monthly installments within that year (1903). The remaining Ger-



Britain and Italy the provision was made<sup>71</sup> that the question of preferential treatment be referred to the Hague Tribunal.<sup>72</sup>

When finally submitted to that Tribunal the main ground set forth by the American delegates<sup>73</sup> for opposing preferential treatment of the blockading powers was that such a recognition would place a premium on the use of military force for the collection of claims, a principle which the Hague Tribunal founded in the interests of peace should not endorse. As precedent for the equality of treatment of the claims of all nations the American delegates cited that after the Boxer rebellion, in the awarding of the indemnities, no distinction was made between the nations who had used force and those who had not. The main contention<sup>74</sup> of the blockading powers was that it was the measures taken by them which alone obtained from Venezuela security for the payment of claims, that therefore the nations which did the work should have at least first access to the benefits. Moreover, they asserted that the other powers had acquiesced in their action and should not therefore seek to deprive the blockading powers of

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man claims were referred to a mixed commission. The Italian claims derived from the revolutions of 1898-1900 amounted to 2,810,255 bolivars. It was agreed that these were to be paid without submission to a commission, but the time or method of payment was not stipulated. All further Italian claims were submitted to a mixed commission. Later, on May 7, 1903, further protocols were signed between Venezuela and the three blockading powers definitely referring to the Hague tribunal for arbitration the question as to whether the blockading powers should have preferential treatment. (See *Ibid.*, pp. 31 ff.)

<sup>71</sup> A. & P., 1903, LXXXVII (Cd-1399):

#### ARTICLE V

.....  
 "Any question as to the distribution of the customs revenues so to be assigned, and as to the right of Great Britain, Germany and Italy to a separate settlement of their claims, shall be determined in default of arrangement, by the Tribunal at the Hague, by arbitration to which any other Power interested may make itself a Party."

<sup>72</sup> *Ibid.*, No. 269. It had been agreed upon to submit to the Hague Tribunal the second class claims of the Powers, since President Roosevelt had declined their invitation to serve as arbitrator. These second-class claims were now, by the protocols, referred to mixed commissions.

<sup>73</sup> Sen. Doc. No. 119, 58th Cong., 3rd Sess., pp. 239 to 244.

<sup>74</sup> *Ibid.*, pp. 1325 ff.

advantages gained through activities to which they had given their tacit or expressed consent. The tribunal decided<sup>75</sup> in favor of the blockading powers and awarded to Great Britain, Germany and Italy preferential treatment of their claims.

The presentation of the cases before the Hague Tribunal shows very clearly the opposing policies of the United States and Germany (in unison with Great Britain and Italy) in regard to the application of force against small nations for the satisfaction of financial claims. The same is true throughout the whole Venezuela episode. While the United States offered no formal protest when Germany announced her proposal to use coercion, and stipulated only against the acquisition of territory, still it made clear its disapproval of such methods by its many attempts to bring about a settlement by arbitration, and by its own abstention from the use of similar methods for the satisfaction of its own claims. It is true that Germany, when acting alone (in 1901), had proposed<sup>76</sup> to Venezuela the solution of their differences by arbitration and had suggested referring the claims of German subjects to the Hague Court. For this both the American representatives and the arbitrators gave her due credit before the tribunal. Nevertheless, after securing the support of Great Britain in the enterprise, Germany's influence had been exerted against the policy of arbitration when President Castro, under the military constraint, had offered it. Only under the effective pressure exerted by President Roosevelt did the Imperial Government yield. But that pressure was applied so quietly that it was not known to the public, and Mr. Penfield, the Solicitor of the Department of State and Counsel for Venezuela and the United States before the Hague Court, classes as one of the important features of the Anglo-German intervention in Venezuela that it constituted a "solemn recognition of the Monroe Doctrine by non-American States."<sup>77</sup>

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<sup>75</sup> Sen. Doc. No. 119, 58th Cong., 3rd Sess., pp. 106 ff.

<sup>76</sup> See footnote 26 of this chapter.

<sup>77</sup> North American Review, 1903, Vol. CLXXVII, p. 86. Penfield, W:

"The Anglo-German Intervention in Venezuela."

"Measured by its consequences, the intervention of Germany and Great Britain in Venezuela in December, 1902, was a notable event in its relation

Summing up the incidents bearing on the American national policy, as they appear from published diplomatic sources, it is seen that within the forty-year period under consideration there were comparatively few controversies with Germany in which that principle was involved. It is also seen that whatever the views of Pan-German writers, official Germany, by its declarations of its purposes in Venezuela, gave official outward recognition to the Monroe Doctrine.<sup>78</sup> On the other hand it seems significant that just about the time of the acquisition of the Panama Canal by the United States the German demonstrations of power in the region of the Caribbean became more frequent and more important. Having secured the support of Great Britain in the Venezuelan episode, Germany had asserted her claims with more vigor and had showed less willingness to defer to the policy of the United States. More significant still was the fact that President Roosevelt, who was never considered by the Germans to hold an anti-German policy and who was on very friendly terms with both the Ambassador, von Sternburg, and the Emperor, should become convinced that Germany was seeking a foothold on the American Continent and should take prompt measures to prevent it. These facts are also given support by the openly expressed expansion policy of the German Government, although that colonial sphere was never officially admitted to include the American Continent.

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to the law of nations. It was notable, first, as an impressive assertion of the right of intervention for the protection of subjects of intervening states; second, as definitely fixing the status of the 'Pacific blockade;' third, as a solemn recognition of the Monroe Doctrine by non-American states; fourth, in finally strengthening the position of the Hague Court, and in advancing the cause of international arbitration."

<sup>78</sup> Root, *The Military and Colonial Policy of the United States*, p. 107. Secretary Root stated on this subject:

"The armed demonstration by the European Powers against Venezuela was made the occasion for disclaimers to the United States of any intention to seize the territory of Venezuela, recognizing in the most unmistakable way the rights of the United States expressed in the declaration of that traditional policy."





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# BIBLIOGRAPHY

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Extracts from the official correspondence of E. B. Washburne, U. S. Ambassador to France during the Franco-Prussian war.

Howe, M. A. D.:

"Life and Letters of George Bancroft."

New York: Scribner, 1908.

Contains several letters by Mr. Bancroft on the Franco-Prussian War which are not contained in the New York Library collection nor in the published government correspondence.

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"The Imbroglio in Samoa."

North American Review, 1899, Vol. 168, p. 679.

Mr. Ide, as former Chief Justice of Samoa, gives an authoritative resumé of the Samoan question as a whole, and a first-hand account of the events immediately preceding the partition of the islands. Mr. Ide urges more active support on the part of the United States Government of the Berlin treaty provisions and of the American interests in the islands.

Kraus, Dr. jur. Herbert:

"Die Monroedoktrin in ihren Beziehungen zur amerikanischen Diplomatie und zum Voelkerrecht."

Berlin: Guttentag, 1913.

An exhaustive and scholarly study of the American policy from a viewpoint non-American, but not anti-American. Dr. Kraus cites his sources throughout and contributes an extensive bibliography.

Latané, J. H.:

"America as a World Power, 1897-1907."

The American Nation: A History. Edited by A. B. Hart,  
Vol. 25. New York: Harpers, 1907.

McKinley, William:

"A Review of the Tariff Legislation of the United States from  
1812 to 1896."

New York: Putnam, 1904.

Moore, John Bassett:

"A Digest of International Law."

Washington: Government Printing Office, 1906.

Professor Moore's epochal work reveals occasionally in its citations from State Department correspondence events and situations which are not published elsewhere. So far as I have been able to discover, Professor Moore's work is the only published source of information on the attempt of Germany to acquire the island of Margarita from Venezuela in 1901.

Paullin, C. O.:

"Diplomatic Negotiations of American Naval Officers, 1778-  
1883."

Baltimore: Johns Hopkins Press, 1912.

Contains extracts from Commanders' Letters and is based on research in the Navy and State Departments. Contains account of the first American agreement with Samoa made by Commander Meade in 1872.

Penfield, W. L.:

"The Anglo-German Intervention in Venezuela."

North American Review, 1903, Vol. CLXXVII, pp. 86 ff.

Mr. Penfield, Solicitor of the Department of State, was agent and counsel for Venezuela and the United States at the Venezuelan Arbitration before the Hague Tribunal.



Root, Elihu:

"The Military and Colonial Policy of the United States.

Addresses and Reports by Elihu Root."

Cambridge: Harvard University Press, 1916.

A collection made and edited by Robert Bacon and James Brown Scott. Most of the addresses are on military subjects, but a few deal with the foreign policies of the United States and American principles in regard to colonization.

Taussig, F. W.:

"A Tariff History of the United States."

New York: Putnam, 1914.

Thayer, William Roscoe:

"The Life and Letters of John Hay."

Boston: Houghton, Mifflin Co., 1915.

Mr. Thayer's work is an invaluable contribution to an understanding of American foreign policy. By publishing directly so many of Secretary Hay's letters the work retains the character of source material, yet that material is clarified by Mr. Thayer's own able delineations of the situations and episodes treated in the letters. Secretary Hay's letters deal so frankly and tellingly with the national and international problems of his time that there is at no point any doubt of what the American policy toward foreign nations, individually and collectively, was to be, so far as the Secretary of State was able to direct it. The seventeenth impression, 1916, and subsequent impressions contain in the appendix Ex-President Roosevelt's own account of the episode with von Holleben by which Germany was induced to arbitrate the Venezuelan question.

Thayer, W. R.:

"Out of their own Mouths."

New York: Appleton, 1917.

A collection made for the purpose of showing German national policy. Aggressive utterances are selected from the speeches and writings of German rulers, statesmen, servants, publicists, poets, business men and others—with introduction by Mr. Thayer.

Von Buelow, Prince Bernhard:

"Imperial Germany."

Translated by Marie A. Lewenz, M.A. New York: Dodd, Meade & Co., 1914.

A clear exposition of German Imperialism. The work is a glorification by the Chancellor of the national strength achieved, of the successes of the Government's world policy and of the consequent relations with other powers including the United States.

Von Halle, Ernst:

“Deutschland und die oeffentliche Meinung in den Vereinigten Staaten.”

Preussische Jahrbuecher, Band 107, 1902.

An article outlining the general history of German-American relations. The author deprecates the anti-American sympathies shown in Germany during the Spanish-American war, declares as false, hostile propaganda the accusations spread in America against Germany and advocates the furtherance of good relations with the United States. The article is typical of the efforts of the German Government in the period following the Spanish-American war to win favor in America.

## APPENDIX.





# APPENDIX

## APPENDIX I

### GERMAN-AMERICAN TREATIES AND CONVENTIONS.

#### TREATIES CONCLUDED BETWEEN THE UNITED STATES AND SEPARATE GERMAN STATES PREVIOUS TO 1870.

Date.	German State.	Subject of Treaty.
1785	Prussia	Amity and Commerce.
1799	Prussia	Amity and Commerce.
1827	Hanseatic Republics	Friendship, Commerce and Navigation.
1828	Prussia	Commerce and Navigation.
1828	Hanseatic Republics	Additional Article to Convention of 1827.
1840	Hannover	Commerce and Navigation.
1844	Hesse	Abolishing "Droit D'Aubaine" and Taxes on Emigration.
1844	Württemberg	(Same Subject).
1845	Bavaria	(Same Subject).
1845	Saxony	(Same Subject).
1846	Nassau	(Same Subject).
1846	Hannover	Commerce and Navigation.
1847	Mechlenburg-Schwerin	Commerce and Navigation.
1847	Oldenburg	Commerce and Navigation.
1852	Hanseatic Republics	Consular Convention.
1853	Bavaria	Extradition.
1853	Bremen	Extradition.
1853	Mechlenburg-Schwerin	Extradition.
1853	Mechlenburg-Strelitz	Extradition.
1853	Oldenburg	Extradition.
1853	Württemberg	Extradition.
1854	Schaumburg-Lippe	Extradition.
1854	Brunswick and Lueneburg	Disposition of Property.
1855	Hannover	Extradition.
1857	Baden	Extradition.
1861	Hannover	Abolishment of Stade dues (Navigation tolls on Elbe River).
1868	Baden	Naturalization.
1868	Bavaria	Naturalization.
1868	Hesse	Naturalization.
1868	North German Union	Naturalization.
1868	Württemberg	Naturalization and Extradition.

TREATIES CONCLUDED AND RATIFIED BETWEEN THE UNITED STATES AND THE  
GERMAN EMPIRE BETWEEN 1870 AND 1910.

Date.	Character of Treaty.
1871	Consular Convention.
1909	Patent Convention.

AGREEMENTS CONCLUDED BETWEEN THE UNITED STATES AND THE GERMAN  
EMPIRE BETWEEN 1870 AND 1910.

Date.	Subject of Agreement.	Form.
1891	Reciprocal Commercial Arrangement. (The "Saratoga" Agreement)	Exchange of notes.
1892	Copyright Agreement	Signed but not proclaimed.
1900	Reciprocal Commercial Arrangement	Signed and proclaimed.
1901	Agreement for Protection of Trademarks in Morocco	Exchange of notes.
1905	Agreement for Protection of Trademarks in China	Exchange of notes.
1906	Reciprocal Commercial Arrangement	Proclamation.
1907	Commercial Agreement	Signed and accompanied by diplomatic notes.
1910	Commercial Agreement	Proclamation by President of United States and in Germany by statute.

\* TREATIES AND CONVENTIONS SIGNED JOINTLY BY THE UNITED  
STATES, GERMANY AND A THIRD POWER.

Date.	Subject of Treaty.	Third Power.
1889	General Act providing for neutrality, etc., of Samoan Islands	Great Britain.
1899	Convention Relating to Settlement of Samoan Claims	Great Britain.
1899	Convention to Adjust the Question of the Samoan Islands	Great Britain.

## INTERNATIONAL CONVENTIONS AND ACTS TO WHICH THE UNITED STATES AND THE GERMAN EMPIRE WERE SIGNATORIES FROM 1870 TO 1910.

Date of Conclusion.	Place of Conclusion.	Subject of Convention.
1875	Paris	International Bureau of Weights and Measures.
*1883	Paris	International Protection of Industrial Property.
1884	Paris	Protection of Submarine Cables.
1886	Paris	Interpretation of certain articles of Convention of 1884 for Protection of Submarine Cables.
1890	Brussels	Repression of African Slave Trade.
†1899	Brussels	Regulation of Importation of Spirituous Liquors into Certain Regions of Africa.
‡1899	The Hague	International Peace Conference.
§1900	Brussels	Additional Act for Protection of Industrial Property.
1901	Peking	Conclusion of "Boxer" troubles, Provisions for Indemnities.
1903	Paris	International Sanitary Convention.
1904	Paris	Suppression of White Slave Traffic.
1904	The Hague	Exemption of Hospital Ships in War Time from Taxation.
1905	Peking	New agreement between China and Certain Powers concerning Whang-Pu Conservancy.
1905	Rome	Creation of International Institute of Agriculture.
1906	Algeciras	Regulating Trade and Administration of Morocco.
1906	Geneva	International Red Cross Convention.
1906	Brussels	Revision of duties imposed by Brussels Convention of 1899 on Spirituous Liquors Imported into Africa.
1906	Brussels	Unification of Pharmacopoeial Formulas for Potent Drugs.
1906	Berlin	International Wireless Telegraph Convention.
‡1907	The Hague	Arbitration, Rules of Warfare, etc.
1910	Paris	Repression of Obscene Publications.
1910	Brussels	Regulation of Assistance and Salvage at Sea.

\* Not signed at conclusion but adhered to later by United States and German Empire.

† Signed by German Empire at time of conclusion, later adhered to by United States.

‡ Includes separate articles not all of which were signed by both nations.

§ Signed by United States at time of conclusion, later adhered to by German Empire.

|| Signed by United States with reservation.

Compiled from Senate Document No. 357, 61st Cong., 2nd Session.

"Treaties, Conventions, International Acts, Protocols and Agreements between the United States of America and Other Powers," 1776-1909.

Supplement to above Document, 1910 to 1913.

Reichsgesetzblatt. U. S. Revised Statutes.

Sen. Ex. Doc. No. 119, 52nd Cong., 1st Sess., '91-'92, p. 110. (For the

Saratoga Agreement of 1891—which is omitted in the Malloy Collection, Senate Doc. No. 357, 61st Congress, 2nd Session.)

## APPENDIX II

PRUSSIAN-AMERICAN TREATY OF 1828 AND ARTICLES REVIVED  
FROM FORMER TREATIES(Malloy, *Treaties, Conventions, etc.*, Vol. II, pp. 1477 ff.)

## 1828 TREATY OF COMMERCE AND NAVIGATION

CONCLUDED May 1, 1828; ratification advised by the Senate May 14, 1828; ratification again advised and time for exchange of ratification extended by the Senate March 9, 1829; ratifications exchanged March 14, 1829; proclaimed March 14, 1829.

## ARTICLES

- |  |  |
|--|--|
| I. Freedom of commerce and navigation.                         | VIII. No preference to importing vessel.       |
| II. No discrimination of shipping charges.                     | IX. Most favored nation commercial privileges. |
| III. No discrimination in import duties on account of vessels. | X. Consular privileges and jurisdiction.       |
| IV. Application of two preceding sections.                     | XI. Deserters from ships.                      |
| V. No discrimination of import duties.                         | XII. Articles of former treaties revived.      |
| VI. No discrimination of export duties.                        | XIII. Blockades.                               |
| VII. Coastwise trade.  | XIV. Estates of deceased persons.              |
|  | XV. Duration.                                  |
|  | XVI. Ratification.                             |

The United States of America and His Majesty the King of Prussia, equally animated with the desire of maintaining the relations of good understanding which have hitherto so happily subsisted between their respective States, of extending, also, and consolidating the commercial intercourse between them, and convinced that this object cannot better be accomplished than by adopting the system of an entire freedom of navigation, and a perfect reciprocity, based upon principles of equity equally beneficial to both countries, and applicable in time of peace as well as in time of war, have, in consequence, agreed to enter into negotia-



tions for the conclusion of a treaty of navigation and commerce; for which purpose the President of the United States has conferred full powers on Henry Clay, their Secretary of State; and His Majesty the King of Prussia has conferred like powers on the Sieur Ludwig Niederstetter, Chargé d'Affaires of His said Majesty, near the United States; and the said Plenipotentiaries, having exchanged their said full powers, found in good and due form, have concluded and signed the following articles:

#### ARTICLE I

There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty, to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing.

#### ARTICLE II

Prussian vessels arriving either laden or in ballast in the ports of the United States of America, and, reciprocally, vessels of the United States arriving either laden or in ballast in the ports of the Kingdom of Prussia, shall be treated, on their entrance, during their stay, and at their departure, upon the same footing as national vessels coming from the same place, with respect to the duties of tonnage, light-houses, pilotage, salvage, and port charges, as well as to the fees and perquisites of public officers, and all other duties and charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishment whatsoever.

## ARTICLE III

All kinds of merchandise and articles of commerce, either the produce of the soil or the industry of the United States of America, or of any other country, which may be lawfully imported into the ports of the Kingdom of Prussia, in Prussian vessels, may also be so imported in vessels of the United States of America, without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in Prussian vessels. And, reciprocally, all kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the Kingdom of Prussia, or of any other country, which may be lawfully imported into the ports of the United States in vessels of the said States, may also be so imported in Prussian vessels, without paying other or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been imported in vessels of the United States of America.

## ARTICLE IV

To prevent the possibility of any misunderstanding, it is hereby declared that the stipulations contained in the two preceding articles are to their full extent applicable to Prussian vessels and their cargoes arriving in the ports of the United States of America, and, reciprocally, to vessels of the said States and their cargoes arriving in the ports of the Kingdom of Prussia, whether the said vessels clear directly from the ports of the country to which they respectively belong, or from the ports of any other foreign country.

## ARTICLE V

No higher or other duties shall be imposed on the importation into the United States of any article the produce or manufacture of Prussia, and no higher or other duties shall be imposed on the

importation into the Kingdom of Prussia of any article the produce or manufacture of the United States, than are or shall be payable on the like article being the produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the importation or exportation of any article the produce or manufacture of the United States, or of Prussia, to or from the ports of the United States, or to or from the ports of Prussia, which shall not equally extend to all other nations.

#### ARTICLE VI

All kind of merchandise and articles of commerce, either the produce of the soil or of the industry of the United States of America, or of any other country, which may be lawfully exported from the ports of the said United States in national vessels, may also be exported therefrom in Prussian vessels without paying other or higher duties or charges, of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in vessels of the United States of America.

An exact reciprocity shall be observed in the ports of the kingdom of Prussia, so that all kind of merchandise and articles of commerce either the produce of the soil or the industry of the said Kingdom, or of any other country, which may be lawfully exported from Prussian ports in national vessels, may also be exported therefrom in vessels of the United States of America, without paying other or higher duties or charges of whatever kind or denomination, levied in the name or to the profit of the Government, the local authorities, or of any private establishments whatsoever, than if the same merchandise or produce had been exported in Prussian vessels.

#### ARTICLE VII

The preceding articles are not applicable to the coastwise navigation of the two countries, which is respectively reserved by each of the high contracting parties exclusively to itself.

## ARTICLE VIII

No priority or preference shall be given, directly or indirectly, by either of the contracting parties, nor by any company, corporation, or agent, acting on their behalf or under their authority, in the purchase of any article of commerce, lawfully imported, on account of or in reference to the character of the vessel, whether it be of the one party or of the other, in which such article was imported; it being the true intent and meaning of the contracting parties that no distinction or difference whatever shall be made in this respect.

## ARTICLE IX

If either party shall hereafter grant to any other nation any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted to such other nation, or on yielding the same compensation when the grant is conditional.

## ARTICLE X

The two contracting parties have granted to each other the liberty of having, each in the ports of the other, Consuls, Vice-Consuls, Agents and Commissaries of their own appointment, who shall enjoy the same privileges and powers as those of the most favored nations. But if any such Consul shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted, in the same place.

The Consuls, Vice-Consuls and Commercial Agents shall have the right, as such, to sit as judges and arbitrators in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to their charge, without the interference of the local authorities, unless the conduct of the crews or of the captain should disturb the order or tranquillity of the country, or the said Consuls, Vice-Consuls or Commercial Agents should require their assistance to cause their decisions to be carried into effect or supported. It is, however,



understood, that this species of judgment or arbitration shall not deprive the contending parties of the right they have to resort, on their return, to the judicial authority of their country.

#### ARTICLE XI

The said Consuls, Vice-Consuls and Commercial Agents are authorized to require the assistance of the local authorities, for the search, arrest, and imprisonment of the deserters from the ships of war and merchant vessels of their country. For this purpose they shall apply to the competent tribunals, judges and officers, and shall in writing demand said deserters, proving, by the exhibition of the registers of the vessels, the rolls of the crews, or by other official documents, that such individuals formed part of the crews; and, on this reclamation being thus substantiated, the surrender shall not be refused. Such deserters, when arrested shall be placed at the disposal of the said Consuls, Vice-Consuls, or Commercial Agents, and may be confined in the public prisons, at the request and cost of those who shall claim them, in order to be sent to the vessels to which they belonged, or to others of the same country. But if not sent back within three months from the day of their arrest, they shall be set at liberty, and shall not be again arrested for the same cause. However, if the deserter should be found to have committed any crime or offence, his surrender may be delayed until the tribunal before which his case shall be depending shall have pronounced its sentence, and such sentence shall have been carried into effect.

#### ARTICLE XII

The twelfth article of the treaty of amity and commerce, concluded between the parties in 1785, and the articles from the thirteenth to the twenty-fourth, inclusive, of that which was concluded at Berlin in 1799, with the exception of the last paragraph in the nineteenth article, relating to treaties with Great Britain, are hereby revived with the same force and virtue as if they made part of the context of the present treaty, it being, how-

ever, understood that the stipulations contained in the articles thus revived shall be always considered as in no manner affecting the treaties or conventions concluded by either party with other Powers, during the interval between the expiration of the said treaty of 1799, and the commencement of the operation of the present treaty.

The parties being still desirous, in conformity with their intention declared in the twelfth article of the said treaty of 1799, to establish between themselves, or in concert with other maritime Powers, further provisions to ensure just protection and freedom to neutral navigation and commerce, and which may, at the same time, advance the cause of civilization and humanity, engage again to treat on this subject at some future and convenient period.

#### ARTICLE XIII

Considering the remoteness of the respective countries of the two high contracting parties, and the uncertainty resulting therefrom, with respect to the various events which may take place, it is agreed that a merchant vessel belonging to either of them, which may be bound to a port supposed at the time of its departure to be blockaded, shall not, however, be captured or condemned for having attempted a first time to enter said port, unless it can be proved that said vessel could and ought to have learnt, during its voyage, that the blockade of the place in question still continued. But all vessels which, after having been warned off once shall, during the same voyage, attempt a second time to enter the same blockaded port, during the continuance of the said blockade, shall then subject themselves to be detained and condemned.

#### ARTICLE XIV

The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation, or otherwise; and their representatives, being citizens or subjects of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and

may take possession thereof; either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods as would be taken of the goods of a native, in like case, until the lawful owner may take measures for receiving them. And if question should arise among several claimants to which of them said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would, by the laws of the land, descend on a citizen or subject of the other, were he not disqualified by alienage, such citizens or subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation and exempt from all duties of detraction, on the part of the Government of the respective States. But this article shall not derogate in any manner from the force of the laws already published, or hereafter to be published by His Majesty the King of Prussia, to prevent the emigration of his subjects.

#### ARTICLE XV

The present treaty shall continue in force for twelve years, counting from the day of the exchange of the ratifications; and if twelve months before the expiration of that period, neither of the high contracting parties shall have announced, by an official notification to the other, its intention to arrest the operation of said treaty, it shall remain binding for one year beyond that time, and so on until the expiration of the twelve months, which will follow a similar notification, whatever the time at which it may take place.

#### ARTICLE XVI

This treaty shall be approved and ratified by the President of the United States of America, by and with the advice and consent by the Senate thereof, and by His Majesty the King of Prussia,

and the ratifications shall be exchanged in the city of Washington, within nine months from the date of the signature hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the above articles, both in the French and English languages, and they have thereto affixed their seals; declaring, nevertheless, that the signing in both languages shall not be brought into precedent, nor in any way operate to the prejudice of either party.

Done in triplicate at the city of Washington on the first day of May, in the year of our Lord one thousand eight hundred and twenty-eight, and the fifty-second of the Independence of the United States of America.

(SEAL)

H. CLAY,

(SEAL)

LUDWIG NIEDERSTETTER.

#### ARTICLES REVIVED FROM THE TREATY OF 1799 BETWEEN THE UNITED STATES AND PRUSSIA

#### ARTICLE XIII

AND in the same case of one of the contracting parties being engaged in war with any other Power, to prevent all the difficulties and misunderstandings that usually arise respecting merchandise of contraband, such as arms, ammunition, and military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of either party, to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying, however, a reasonable compensation for the loss such arrest shall occasion to the proprietors; and it shall further be allowed to use in the service of the captors the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the



place of its destination. But in the case supposed of a vessel stopped for articles of contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into port, nor further detained, but shall be allowed to proceed on her voyage.

All cannons, mortars, fire-arms, pistols, bombs, grenades, bullets, balls, muskets, flints, matches, powder, saltpeter, sulphur, cuirasses, pikes, swords, belts, cartouch boxes, saddles and bridles beyond the quantity necessary for the use of the ship, or beyond that which every man serving on board the vessel, or passenger, ought to have; and in general whatever is comprised under the denomination of arms and military stores, of what description soever, shall be deemed objects of contraband.

#### ARTICLE XIV

To ensure to the vessels of the two contracting parties the advantage of being readily and certainly known in time of war, it is agreed that they shall be provided with the sea-letters and documents hereafter specified:

1. A passport, expressing the name, the property, and the burthen of the vessel, as also the name and dwelling of the master, which passport shall be made out in good and due form, shall be renewed as often as the vessel shall return into port, and shall be exhibited whensoever required, as well in the open sea as in port. But if the vessel be under convoy of one or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination.

2. A charter-party, that is to say, the contract passed for the freight of the whole vessel, or the bills of lading given for the cargo in detail.

3. The list of the ship's company, containing an indication by name and in detail of the persons composing the crew of the vessel. These documents shall always be authenticated according to the

forms established at the place from which the vessel shall have sailed.

As their production ought to be exacted only when one of the contracting parties shall be at war, and as their exhibition ought to have no other object than to prove the neutrality of the vessel, its cargo, and company, they shall not be deemed absolutely necessary on board such vessels belonging to the neutral party as shall have sailed from its ports before or within three months after the Government shall have been informed of the state of war in which the belligerent party shall be engaged. In the interval, in default of these specific documents, the neutrality of the vessel may be established by such other evidence as the tribunals authorized to judge of the case may deem sufficient.

#### ARTICLE XV

And to prevent entirely all disorder and violence in such cases, it is stipulated that, when the vessels of the neutral party, sailing without convoy, shall be met by any vessels of war, public or private, of the other party, such vessel of war shall not send more than two or three men in their boat on board the said neutral vessel to examine her passports and documents. And all persons belonging to any vessel of war, public or private, who shall molest or insult in any manner whatever, the people, vessels, or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

#### ARTICLE XVI

In times of war, or in cases of urgent necessity, when either of the contracting parties shall be obliged to lay a general embargo, either in all its ports, or in certain particular places, the vessels of the other party shall be subject to this measure, upon the same footing as those of the most favored nations, but without having the right to claim the exemption in their favor stipulated in the sixteenth article of the former treaty of 1785. But on the other

hand, the proprietors of the vessels which shall have been detained, whether for some military expedition, or for what other use soever shall obtain from the Government that shall have employed them an equitable indemnity, as well for the freight as for the loss occasioned by the delay. And furthermore, in all cases of seizure, detention, or arrest, for debts contracted or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases.

#### ARTICLE XVII

If any vessel or effects of the neutral Power be taken by an enemy of the other, or by a pirate, and retaken by the Power at war, they shall be restored to the first proprietor, upon the conditions hereafter stipulated in the twenty-first article for cases of recapture.

#### ARTICLE XVIII

If the citizens or subjects of either party, in danger from tempests, pirates, enemies, or other accidents, shall take refuge with their vessels or effects, within the harbors or jurisdiction of the other, they shall be received, protected, and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, health, and accommodation, and for the repair of their vessels.

#### ARTICLE XIX

The vessels of war, public and private, of both parties, shall carry freely, wheresoever they please, the vessels and effects taken from their enemies, without being obliged to pay any duties, charges, or fees to officers of admiralty, of the customs, or any others; nor shall such prizes be arrested, searched, or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their

captors to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to show. But, conformably to the treaties existing between the United States and Great Britain, no vessel that shall have made a prize upon British subjects shall have a right to shelter in the ports of the United States, but if forced therein by tempests, or any other danger or accidents of the sea, they shall be obliged to depart as soon as possible.

#### ARTICLE XX

No citizen or subject of either of the contracting parties shall take from any Power with which the other may be at war any commission or letter of marque, for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend, or give any part of its naval or military force to the enemy of the other, to aid them offensively or defensively against the other.

#### ARTICLE XXI

If the two contracting parties should engage in a war against a common enemy, the following points shall be observed between them:

1. If a vessel of one of the parties, taken by the enemy, shall, before being carried into a neutral or enemy's port, be retaken by a ship of war or privateer of the other, it shall, with the cargo, be restored to the first owners, for a compensation of one-eighth part of the value of the said vessel and cargo, if the recapture be made by a public ship of war, and one-sixth part, if made by a privateer.
2. The restitution in such cases shall be after due proof of property, and surety given for the part to which the recaptors are entitled.
3. The vessels of war, public and private, of the two parties, shall reciprocally be admitted with their prizes into the respective ports of each, but the said prizes shall not be discharged or sold there, until their legality shall have been decided according to the laws and regulations of the State to which the captor belongs, but



by the judicatories of the place into which the prize shall have been conducted.

4. It shall be free to each party to make such regulations as they shall judge necessary, for the conduct of their respective vessels of war, public and private, relative to the vessels, which they shall take, and carry into the ports of the two parties.

#### ARTICLE XXII

When the contracting parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall upon all occasions take under their protection the vessels of the other going the same course, and shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are.

#### ARTICLE XXIII

If war should arise between the two contracting parties, the merchants of either country then residing in the other shall be allowed to remain nine months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects without molestation or hindrance; and all women and children, scholars of every faculty, cultivators of the earth, artisans, manufacturers, and fishermen, unarmed and inhabiting unfortified towns, villages, or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt or otherwise destroyed nor their fields wasted by the armed force of the enemy, into whose power by the events of war they may happen to fall; but if anything is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price.

#### ARTICLE XXIV

And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them

into close and noxious places, the two contracting parties solemnly pledge themselves to the world and to each other that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East Indies or any other part of Asia or Africa, but that they shall be placed in some parts of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise, and lodged in barracks as roomly and good as are provided by the party in whose power they are for their own troops; that the officers shall also be daily furnished by the party in whose power they are with as many rations, and of the same articles and quality as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they shall allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war; and the said accounts shall not be mingled with or set off against any others, for any other article or for any other cause, real or pretended, whatever. That each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment after they shall have been designated to him, such individual officer or other prisoner shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this and

the next preceding article; but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature and nations.

ARTICLE REVIVED FROM THE TREATY OF 1785 BETWEEN THE  
UNITED STATES AND PRUSSIA

ARTICLE XII

If one of the contracting parties should be engaged in war with any other Power, the free intercourse and commerce of the subjects or citizens of the party remaining neuter with the belligerent Powers shall not be interrupted. On the contrary, in that case, as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, insomuch that all things shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy.

APPENDIX III

AGREEMENT BETWEEN HASSENPFUG AND WEBER AND THE  
SAMOAN CHIEFS, 1877

(V. R., 1879, Vol. VI, Anlagen No. 239, p. 67)

*Anlage 9.*

(Übersetzung)

FALEASIU, 3. Juli, 1877.

Wir versprechen hierdurch den deutschen Vertretern:

1. Wir werden die Neutralitaet des Distriktes von Letogo bis Mulinuu, einschliesslich dieser beiden Plaetze, annehmen (derselben entsprechen, nachkommen).

2. Falls Krieg ausbricht, werden wir unsere in Mulinuu aufgezugene Flagge herunternehmen, und die Angestellten unserer Regierung werden Mulinuu verlassen.

3. Wir werden fuer deutsches Eigenthum, Haeuser, Land und Pflanzungen gute Sorge tragen. Sollte irgend einer der zu unserer Regierung gehoert, einem Deutschen oder irgend etwas einem Deutschen Gehoeriges Schaden zufuegen, so werden wir dafuer zahlen (solches entgelten).

4. *Wir werden in keiner Weise die deutsche Regierung zuruecksetzen oder irgend einer anderen fremden Regierung Vorrechte vor der Deutschen gewaehren.*

*Wir beharren gaenzlich bei Allem, was wir den deutschen Vertretern in jener Beziehung geschrieben haben, in Uebereinstimmung mit den uns in ihrem (den deutschen Vertretern) Briefe an uns vom 24. Mai angezeigten Punkten.*

5. Wir werden den deutschen Konsul den Tag anzeigen, wann der Krieg ausbricht.

Wir die Taimua und Faipule.

	(gez.)	Samoa	(gez.)	Aiono
	"	Lavea	"	Loto
	"	Aufai	"	Masua
	"	Tagaloa	"	Tuisalega
(gez.) Neli	"	Tuia	"	Mataia
Sekretaer	"	Le Tufuga	"	Sua
	"	Asiata	"	Leaeno
	"	Tia	"	Laiataua
(L. S.	"	Tuataga	"	Alapa
grosses Samoa-Staats-	"	Mataafa	"	Tupuola
siegel)	"	Leutele	"	Fiame
	"	Lemana	"	Mamea
	"	Leiato	"	Mulipola
	"	Letuli	"	Talao

Geschehen auf Befehl der Taimua und Faipule.

(gez.) MEISAKE,  
Zweiter Sekretaer.

Anlage 10

(Uebersetzung)

VAIUSU, 5. Juli 1877.

Wir sprechen hierdurch den deutschen Vertretern:

1. Wir werden die Neutralitaet des Distriktes von Letogo bis



Mulinuu, einschliesslich dieser beiden Plaetze, annehmen (derselben entsprechen, nachkommen).

2. Wir werden unsere Flagge nicht auf jenem neutralen Grunde aufziehen, noch werden Angestellte unserer Regierung dort residiren.

3. Wir werden fuer deutsches Eigenthum, Haeuser, Land und Pflanzungen gute Sorge tragen. Sollte irgend einer, der zu unserer Regierung gehoert, einem Deutschen oder irgend etwas einem Deutschen Gehoeriges Schaden zufuegen, so werden wir dafuer zahlen (solches engelten).

4. *Wir werden in keiner Weise die deutsche Regierung zuruecksetzen oder irgend einer andern Regierung Vorrechte vor der Deutschen gewaehren.*—Wir beharren gaenzlich bei Allen, was wir den deutschen Vertretern in jener Beziehung geschrieben haben in Uebereinstimmung mit den in ihrem (der deutschen Vertreter) Briefe vom 24. Mai der Taimua und Faipule angezeigten Punkten, wovon wir eine Abschrift empfangen.

5. Wir werden dem deutschen Konsul den Tag anzeigen, wenn der Krieg ausbricht.—Wir nehmen diese Uebereinkunft gaenzlich an und setzen unsere Unterschrift darunter.

Wir zeichnen unseren Namen.

(gez.) MALIETOA.

#### APPENDIX IV

##### “THE STORY OF SAMOA”

IN

FREDERICK W. SEWARD’S “REMINISCENCES OF A WAR-TIME STATESMAN AND DIPLOMAT,” p. 437.

ONE morning in 1877, while sitting at my desk in the Department of State, I was informed that two gentlemen “from some Pacific Islands” desired to see me. On entering, they introduced themselves. One was an American merchant, who had been engaged in business at Apia Harbor. The other was a tall, fine-looking, swarthy-complexioned man, in ordinary American dress,

who proved to be the Secretary of State and Minister of Foreign Affairs of the Samoan Islands.

He spoke English easily and fluently, but with some quaint idioms that seemed to render it more impressive. When I asked how he had learned it, he told me that he was taught by the missionaries. Schools and text-books not being available, his chief book for study of the language had been the Bible.

His credentials proved to be all in proper form, and as the business which brought him to Washington was so important it had been deemed wise that he should come on himself, instead of entrusting it to any diplomatic or consular representative, I duly presented him to the Secretary of State, Mr. Evarts, and to President Hayes, and I was authorized to discuss matters with him on the part of our Government.

With the increase of intercourse and trade, the Samoan Islanders had perceived that they might become the object of some intrigue, or perhaps fall under the sway of some one of the maritime powers of Europe, whom they would be powerless to resist. Doubtful of their ability to maintain peaceful and stable existence, they wished the United States to recognize and protect their independence, to establish commercial relations with their people, and to assist them in their steps toward regulated and responsible government.

In short, his mission was nothing less than to ask that they might come under the flag of the United States and become a part of our extended dominion, either by formal annexation or under a protectorate, in such form as the American Government might prefer.

Having seen Pacific islands, one after another, eagerly seized upon by some European power, and having no wish to become subjects of any such power, they had decided to offer their islands to the United States. Of course, they hardly anticipated that there would be any hesitation on our part in accepting such an offer.

I explained that, while the American people had in former years been willing and desirous of extending their national domain on the continent, yet there had now come a decided change in public opinion. Extension of the national boundaries was now looked upon with disfavor.

Especially was there a strong opposition to the acquisition of any islands, near or remote, inhabited by any race but our own. The proposed treaties for naval harbors in the West Indies, and for the acquisition of St. Thomas, Santa Cruz, and Santo Domingo, had been shelved or summarily rejected. Even the Panama Canal had been allowed to pass into the hands of a European power; and the purchase of Alaska was still a subject of reproach and ridicule and pronounced a gigantic folly.

Having had a hand myself in the negotiation of these treaties, I could foresee the difficulties in the way of the mission he had undertaken. Of course, I believed this dread of national expansion was a passing phase and an unreasonable and unnatural one. But, while it lasted, it had to be reckoned with.

The Samoan proposals were laid before Secretary Evarts, and by him laid before the President and Cabinet. Both President Hayes and Mr. Evarts believed that my father's policy in this regard had been wise and judicious. But they saw also that it would now encounter the same opposition that it had during the administration of President Johnson and subsequently under that of President Grant.

The Navy Department warmly favored the Samoan proposition, as it had always desired the establishment of naval outposts in the Pacific. In fact, tentative steps had already been taken by naval officers for obtaining a port in the islands for coaling and repairs.

The leading members of the Foreign Affairs Committees in Congress, and the leading Republicans in both Houses were sounded. There were differences of opinion among them, but practically all were agreed that the times were inauspicious for the consideration of any such project. The Senate would not consent to any treaty that involved expense or obligation, and the House, in which there was an anti-administration majority, would vote it down as a matter of course. It seemed to be considered a mark of patriotism to oppose any addition to our own country.

The Samoan Envoy listened gravely and sadly to the recital of these adverse conditions. Finally, he said that I might draw up the treaty in any form I thought best, and he believed his people

would agree. They would give us their best harbor, that of Pago-Pago, which fortunately was as yet unoccupied, and in return would ask nothing, except our assurances of peace and friendship.

I drafted a treaty, and then another and yet another, endeavoring to meet the various Congressional and popular objections. It seemed as if the Senate might be induced to consent to the acceptance of a harbor, provided the country was not to pay anything for it, or even to agree to protect or defend it.

So, at last, the treaty was put into that form. Even the phrases tendering our good offices in case of disputes with other powers were objected to, but were finally allowed to stand. The treaty was signed and sealed by the Secretary and Mr. Mamea, the Samoan Envoy. It was sent to the Senate and in due time was confirmed.

The press and the public seemed to regard the matter with indifference, and the House refused any appropriation for a coal yard for Pago-Pago, which remained deserted and unused.

The Diplomatic Corps, of course, took note of the Samoan affair. Some of them were amused and others puzzled by it. For a nation of "landgrabbers," as we were called in Europe, we seemed to be very slow and reluctant to take steps for our own aggrandizement.

When I mentioned to the British Minister, Sir Edward Thornton, that the Samoans might perhaps ask Queen Victoria for a protectorate in case their negotiations with us should fail, he smiled and said,

"Well, I suppose we should take them, but I do not think we should care to enter into any quarrel about it."

A few months later, Dr. von Schloezer, the German Minister, came into my room in very cheerful mood.

"Aha!" said he. "Also we have a harbor in Samoa. Not the best—no, you have the best. You have Pago-Pago. But we have the next best."

"What one have you, mein Herr?"

"Apia—Apia Harbor. It is a good harbor. It is where the people are, and the trade. We shall use our harbor now. You do not use yours—no. But you will, some day. Some day, you will."

And in so saying the cheery Envoy proved himself a prophet.



## APPENDIX V

COMMERCIAL TREATY BETWEEN THE UNITED STATES AND SAMOAN  
ISLANDS, 1878.

(U. S. Statutes at Large, 45th Congress, 1877-1879, Vol. 20, p. 704)

Jan. 17, 1878. Treaty between the United States of America and the Government of the Samoan Islands. Friendship and Commerce. Concluded January 17, 1878; ratification advised by Senate. with amendments, January 30, 1878; ratified by President February 8, 1878; ratified by the Samoan Envoy February 11, 1878; ratifications exchanged at Washington February 11, 1878; proclaimed February 13, 1878.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA  
A PROCLAMATION

## PREAMBLE

Whereas a treaty of friendship and commerce between the United States and the Government of the Samoan Islands was concluded and signed by their respective Plenipotentiaries at the city of Washington on the seventeenth day of January, in the year of our Lord one thousand eight hundred and seventy-eight; which treaty, after having been amended and ratified by the contracting parties, is word for word as follows:

## CONTRACTING PARTIES

The Government of the United States of America and the Government of the Samoan Islands, being desirous of concluding a treaty of friendship and commerce, the President of the United States has for this purpose conferred full powers upon William M. Evarts, Secretary of State; and the Government of the Samoan Islands has conferred like powers upon MK. Le Mamea, its Envoy

Extraordinary to the United States. And the said Plenipotentiaries having exchanged their full powers, which were found to be in due form, have agreed upon the following articles:

ARTICLE I—*Peace and Friendship*

There shall be perpetual peace and friendship between the Government of the United States and the Government of the Samoan Islands.

ARTICLE II—*Naval Station and Freedom to Trade*

Naval vessels of the United States shall have the privilege of entering and using the port of Pago-Pago, and establishing therein and on the shores thereof a station for coal and other naval supplies for their naval and commercial marine, and the Samoan Government will hereafter neither exercise nor authorize any jurisdiction within said port adverse to such rights of the United States or restrictive thereof. The same vessels shall also have the privilege of entering other ports of the Samoan Islands. The citizens of the United States shall likewise have free liberty to enter the same ports with their ships and cargoes of whatsoever kind, and to sell the same to any of the inhabitants of those islands, whether natives or foreigners, or to barter them for the products of the islands. All such traffic in whatever articles of trade or barter shall be free, except that the trade in fire-arms and munitions of war in the Islands shall be subject to regulations by that government.

ARTICLE III—*Duties*

No import or export duty shall be charged on the cargoes of the vessels of the United States entering or clearing from the ports of the Samoan Islands, and no other than a tonnage duty of one-half of one per cent. per ton actual measurement shall be charged on the entrance of such vessels.

ARTICLE IV—*Consular and Mixed Court*

All disputes between citizens of the United States in the Samoan Islands, whether relating to civil matters or to offences or crimes, shall be heard and determined by the Consul of the United States at Apia, Samoa, under such regulations and limitations as the United States may provide; and all disputes between citizens of the United States and the people of those islands shall be heard by that Consul in conjunction with such officer of the Samoan Government as may be designated for that purpose. Crimes and offences in cases where citizens of the United States may be convicted shall be punished according to the laws of that country.

ARTICLE V—*Intercession*

If, unhappily, any differences should have arisen, or shall hereafter arise, between the Samoan Government and any other government in amity with the United States, the government of the latter will employ its good offices for the purpose of adjusting those differences upon a satisfactory and solid foundation.

ARTICLE VI—*Privileges*

The Government of Samoa agrees to allow to the Government and citizens of the United States free and equal participation in any privilege that may have been or may hereafter be granted to the government, citizens, or subjects of any other nation.

ARTICLE VII—*Duration*

The present treaty shall remain in force for ten years from its date. If neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months after either party shall have given notice to the other of such intention.

ARTICLE VIII—*Ratification and Proclamation*

The present treaty shall be ratified and the ratifications exchanged as soon as possible.

In faith whereof the Plenipotentiaries have signed and sealed this treaty at Washington, the seventeenth day of January, one thousand eight hundred and seventy-eight.

WILLIAM MAXWELL EVARTS (SEAL)

MK. LE MAMEA (SEAL)

And whereas the said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged in the city of Washington on the eleventh day of February, one thousand eight hundred and seventy-eight:

Now, therefore, be it known, that I, RUTHERFORD B. HAYES, President of the United States of America, have caused the said treaty to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my name and caused the seal of the United States to be affixed.

Done at the city of Washington this thirteenth day of February, in the year of our Lord, one thousand eight hundred and seventy-eight, and of the independence of the United States the one hundred and second.

(SEAL)

R. B. HAYES.

By the President:

WM. M. EVARTS, Secretary of State.

## APPENDIX VI

### TREATY OF FRIENDSHIP AND COMMERCE BETWEEN THE GERMAN EMPIRE AND SAMOA, 1879

(V. R., 1879, Vol. VI, Anlagen No. 239, p. 1)

Freundschafts—Vertrag zwischen Seiner Majestaet Dem Deutschen Kaiser, Koenig von Preussen, etc., Im Namen Des Deutschen Reiches, und Ihren Excellenzen Den Herren Der Taimua, Im Namen der Regierung von Samoa.

Seine Majestaet der Deutsche Kaiser, Koenig von Preussen, etc., im Namen des Deutschen Reiches einerseits, und Ihre



Excellenzen die Herren der Taimua, im Namen der Regierung von Samoa andererseits, von dem Wunsche geleitet, Ihre freundschaftlichen Beziehungen und Ihre Interessen gegenseitig zu foerdern and zu befestigen, haben beschlossen, einen Freundschaftsvertrag abzuschliessen. Zu diesem Ende haben Sie zu Ihren Bevollmaechtigten ernannt, naemlich:

SEINE MAJESTAET DER DEUTSCHE KAISER, KOENIG VON PREUSSEN, ETC.: Allerhoechst Ihren Korvetten-Kapitaen Carl Bartholomaeus von Werner, Kommandanten Seiner Majestaet Korvette "Ariadne," Ritter des Koeniglichen Kronenordens dritter Klasse und des Rothen Adlerordens vierter Klasse, und Allerhoechst ihren Kensul fuer die Samoa und Tonga Inseln, Theodor August Ludwig Weber, und IHRE EXCELLENZEN DIE HERREN DER TAIMUA: das Mitglied der Taimua, Tuia und das Mitglied der Taimua, Lemana und den Unterstaatssekretaer Meisake, welche nach gegenseitiger Mittheilung ihrer in guter und gehoeriger Form befundenen Vollmachten ueber nachstehende Artikel uebereingekommen sind.

#### ARTIKEL I

Es soll Friede und immerwaehrende Freundschaft sein zwischen dem Deutschen Reich einerseits und Samoa andererseits, sowie zwischen den beiderseitigen Angehoerigen ohne Unterschied der Personen und der Orte.

#### ARTIKEL II

Den Angehoerigen der beiden vertragenden Theile soll in beiden Laendern der vollstaendigste und immerwaehrende Schutz ihrer Person und ihres Eigenthums zu Theil werden, und sollen ferner die Deutschen in Samoa und die Samoaner in Deutschland von allen Kriegskontributionen, militaerischen Requisitionen oder Kriegsdiensten, und zwar besonders die Deutschen in Samoa von einer Okkupation ihrer Haeuser, Laendereien und Pflanzungen durch kriegfuehrende Parteien befreit sein.

## ARTIKEL III

Die Deutschen, welche sich in Samoa und die Samoaner, welche sich in Deutschland aufhalten, geniessen vollstaendige Kultus- und Gewissensfreiheit, und sollen dieselben in keiner Weise wegen ihres religioesen Glaubens oder wegen der Ausuebung ihres Gottesdienstes in ihren Haeusern oder Kirchen belaestigt, beunruhigt oder gestoert werden. Auch sollen die Angehoerigen beider Laender die Befugniss haben, ihre Landsleute, welche in Deutschland oder auf den Samoa-Inseln mit dem Tode abgehen, an Orten, welche sie zu dem Zwecke erworben und eingerichtet haben, zu bestatten, und sollen die ihren kirchlichen Gebrauechen entsprechenden Begraebnissfeierlichkeiten in keiner Weise gestoert, noch die Graeber aus irgend einem Grunde beschaedigt oder zerstoert werden.

In allen diesen Faellen haben die Samoaner in Deutschland sich den Gesetzen und Verordnungen des Landes zu unterwerfen und sich nach den betreffenden Sitten und Gebrauechen zu richten sowie die kirchliche Schicklichkeit zu beobachten. Die Deutschen in Samoa sollen in der Beziehung gehalten sein, sich nach etwaigen, spaeter zwischen den beiderseitigen Regierungen zu vereinbarenden Gesetzen und Verordnungen zu richten, inzwischen jedoch sollen dieselben nichts thun, was gegen die Gesetze und Verordnungen ihres eigenen Landes verstossen wuerde.

## ARTIKEL IV

Es soll fuer die deutschen Staatsangehoerigen vollstaendige Handelsfreiheit in allen Gebieten Samoas bestehen. Dieselben koennen ungehindert mit ihren Schiffen und Ladungen aller Art in alle Plaetze, Haefen und Gewaesser Samoas einlaufen, die Ladungen ihrer Schiffe verkaufen, an Land nehmen und lagern, sowie auch alle ihnen gehoerigen Landeserzeugnisse oder andere Gegenstaende irgend einer Art absenden und ihre Schiffe damit beladen. Die deutschen Staatsangehoerigen sollen weder fuer ihre ankommenden und ausgehenden Schiffe und deren Ladungen, noch fuer die Betreibung des Handels irgendwelchen Steuern, Abgaben oder Beschraenkungen unterworfen sein, so lange solche

nicht besonders zwischen den beiderseitigen Regierungen vereinbart sind, jedoch sollen die deutschen Staatsangehoerigen auch in solchem Falle immer die gleichen Rechte und Vortheile in Samoa geniessen, wie die Samoaner oder die Angehoerigen der meistbeguenstigten Nation.

#### ARTIKEL V

Es soll den deutschen Kriegsschiffen freistehen, in den Hafen von Saluafata einzulaufen, daselbst zu ankern, zu verweilen, Bedarf einzunehmen und auszubessern, und der deutschen Regierung soll es ferner freistehen, in jenem Hafen nach eigenem Ermessen alle fuer die deutschen Kriegsschiffe und deren Besatzungen nuetzlichen Einrichtungen und Anordnungen zu treffen.

Die Samoaregierung ist ferner damit einverstanden, dass die deutsche Regierung an den Ufern jenes Hafens Gebaeude zwecks Lagerung von Kohlen und irgend anderen Bedarfsgegenstaenden fuer die deutschen Kriegsschiffe und deren Besatzungen errichtet. Es soll der deutschen Regierung auch freistehen auf dem Lande, wo die Stationsgebaeude errichtet werden, ihre Flagge aufzuziehen, jedoch soll die Oberhoheit der Samoa-Regierung ueber den Hafen von Saluafata dadurch in keiner Weise geschmaelert oder beeintraechtigt werden, andererseits aber verspricht diese auch nichts zu thun, wodurch die der deutschen Regierung in diesem Artikel gewahrten Rechte irgendwie werthlos gemacht oder beeintraechtigt werden koennten. Auch soll durch die in diesem Artikel der deutschen Regierung gewahrten Rechte der Hafen von Saluafata den Kriegs- oder Handelsschiffen derjenigen Nationen, welchen die Samoa-Regierung ihre Hafen offen haelt, nicht verschlossen werden, jedoch darf die Regierung von Samoa in Bezug auf diesen Hafen und seine Ufer keiner anderen Nation gleiche Rechte, wie die der deutschen Regierung gewahrten, bewilligen.

Es soll den deutschen Kriegsschiffen ferner freistehen, auch in alle anderen Plaetze, Haefen und Gewaesser Samoas einzulaufen, daselbst zu ankern, zu verweilen, Bedarf einzunehmen und auszubessern, nach Massgabe etwaiger, zwischen den beiderseitigen Regierungen zu vereinbarender Geetze, und verspricht die Samoa-Regierungen hierdurch ferner, dass sie keiner anderen Nation in

irgend einer Weise irgendwelche Vorrechte vor der deutschen Regierung in Bezug auf den Hafen von Apia und dessen Ufer bewilligen will, sondern dass die deutsche Regierung auch in dieser Beziehung mit anderen Nationen immer gleichberechtigt sein soll.

## ARTIKEL VI

Die Angehoerigen eines jeden der beiden vertragenden Theile koennen gegenseitig mit voller Freiheit jeden Theil der betreffenden Gebiete betreten, daselbst reisen, ihren Wohnsitz nehmen, Handel und Gewerbe treiben, Laendereien und Grundstuecke kaufen oder miethen, dieselben bebauen und benutzen, sowie Haeuser, Magazine und Laeden darauf errichten. In allen diesen Faellen sollen die Samoaner in Deutschland sich den Gesetzen und Verordnungen des Landes unterwerfen und allen anderen Verpflichtungen nachkommen, sowie dieselben Steuern, Beitraege oder Auflagen entrichten wie die eigenen Landesangehoerigen. Ebenso sollen die Deutschen in Samoa sich nach den Gesetzen und Verordnungen richten und die Steuern und Abgaben an die Samoa-Regierung zahlen, welche spaeter zwischen den beiderseitigen Regierungen vereinbart werden moegen, jedoch sollen die deutschen Staatsangehoerigen darin immer dieselben Rechte und Vorthteile in Samoa geniessen, wie die Samoaner oder die Angehoerigen der meistbeguenstigten Nation.

Insbesondere sichert die Samoa-Regierung hierdurch den deutschen Staatsangehoerigen den friedlichen Besitz aller Laendereien in Samoa zu, welche dieselben bisher in ordnungsmaessiger und zu seiner Zeit gebraeuchlicher Weise von Samoanern gekauft haben, und sind durch diese Bestaetigung des Eigenthumsrechts der deutschen Staatsangehoerigen durch die Samoa-Regierung alle ferneren Anfechtungen in Bezug auf solche Laendereien ausgeschlossen. Es soll den Deutschen daher freistehen, alle ihre Laendereien in Samoa ungestoert zu benutzen, Pflanzungen darauf anzulegen und die noethigen Arbeitskraefte, sowohl zu diesem Zwecke wie im Allgemeinen fuer ihre Werften, Geschaeftsplaetze und Haeuser heranzuziehen und zu verwenden.



## ARTIKEL VII

Die Bestimmung der Gerichtsbarkeit, welcher die in Samoa sich aufhaltenden deutschen Staatsangehoerigen und Schutzgenossen bei Rechtsstreitigkeiten unter sich, sowie in Bezug auf von ihnen gegen einander begangene Vergehen und Verbrechen unterworfen sind, bleibt der deutschen Regierung und deren Anordnungen ueberlassen, dagegen bleibt die Feststellung einer Gerichtsbarkeit und des Verfahrens in Bezug auf Rechtsstreitigkeiten zwischen den in Samoa sich aufhaltenden deutschen Staatsangehoerigen und Schutzgenossen einerseits und Samoanern andererseits, sowie in Bezug auf Vergehen und Verbrechen der Angehoerigen des einen vertragenden Theils gegen die des anderen, einer besonderen Vereinbarung zwischen den beiderseitigen Regierungen vorbehalten, einschliesslich der noethigen Bestimmungen ueber die Ausfuehrung der Bestrafung der als schuldig ueberwiesenen Personen, sowie ueber die Anwendung des gegenseitig zustaendigen Zeugenzwanges bei Gerichtsverfahren.

Inzwischen, bis die beiderseitigen Regierungen solche Vereinbarung getroffen haben, sollen alle zwischen Deutschen und Samoanern in Samoa entstehenden Streitigkeiten in bisher gebraeuchlicher Weise von dem deutschen Konsul oder dessen Stellvertreter in Gemeinschaft mit einem Beamten der Samoa-Regierung entschieden werden.

## ARTIKEL VIII

Alle Gesetze und Verordnungen, welche die in Samoa sich aufhaltenden deutschen Staatsangehoerigen und Schutzgenossen sich zu unterwerfen, sowie alle Steuern und Abgaben, welche dieselben demgemaess der Samoa-Regierung zu entrichten haben, sollen von dem deutschen Konsul oder anderen zu dem Zwecke von der deutschen Regierung ernannten Personen zusammen mit Beamten der Samoa-Regierung berathen werden, ebenso alle zweckdienlichen Massregeln, um die Beobachtung solcher Gesetze und Verordnungen durch die Deutschen in Samoa herbeizufuehren; jedoch sollen alle solche gemeinschaftlich von den Beamten der

beiderseitigen Regierungen berathenen und vereinbarten Gesetze und Massnahmen erst nach erlangter Bestaetigung derselben durch die deutsche Regierung in Kraft treten.

Etwaige Vereinbarungen jedoch, welche Beamte der beiderseitigen Regierungen mit Bezug auf Munizipal-Einrichtungen oder Polizei- Quarantaine- und Apia-Hafenverordnungen, sowie ueber ein Verbot oder die Regelung des Verkaufs oder der Abgabe von spirituoesen und berauschenden Getraenken an Samoaner und Eingeborene von anderen Inseln des Stillen Ozeans durch Deutsche in Samoa getroffen haben, sollen sofort von den deutschen Staatsangehoerigen beobachtet werden und zwar so lange, als die deutsche Regierung die Bestaetigung nicht versagt hat.

Die deutschen Staatsangehoerigen sollen indess auch in allen diesen Faellen immer die gleichen Rechte und Vortheile wie die Samoaner oder die Angehoerigen der meistbeguenstigsten Nation in Samoa geniessen und keinen Gesetzen oder Massnahmen unterworfen sein, wodurch sie den Angehoerigen anderer Nationen in Samoa gegenueber zurueckgesetzt oder benachtheiligt werden.

#### ARTIKEL IX

Ausser den in den vorstehenden Artikeln gedachten verschiedenen Vereinbarungen bleibt auch die Regelung des Civilstands— und anderer noch nicht beruehrter Verhaeltnisse der Angehoerigen und Schutzgenossen des einen Staates waehrend des Aufenthalts in dem Gebiete des anderen Theils, wie auch die Feststellung der Rechte, Befugnisse und Verpflichtungen der gegenseitigen Konsularvertretung und der in Bezug auf den Handel noch unerledigten Punkte, einer Vereinbarung der beiderseitigen Regierungen vorbehalten.

#### ARTIKEL X

Die Regierung von Samoa verspricht, im eigenen Lande keine Monopole, Entschaedigungen oder wirklichen Vorrechte zum Nachtheile des deutschen Handels oder der Flagge und der Staatsangehoerigen des Deutschen Reichs zu bewilligen.

## ARTIKEL XI

Die Regierung von Samoa verspricht, dass sie der deutschen Regierung sowohl in Betreff aller in den vorhergehenden Artikeln dieses Vertrages beruehrten Gegenstaende, wie auch ueberhaupt eben so viele Rechte zugestehen will, als den meistbeguenstigten Nationen, und als den letzteren in Zukunft eingeraeumt werden moegen.

## ARTIKEL XII

Der gegenwaertige Vertrag wird vom Tage der Unterzeichnung ab in Kraft treten und Gueltigkeit haben, vorbehaltlich dessen, dass derselbe wieder ungueltig wird, falls die Ratifikation desselben seitens der deutschen Regierung innerhalb der Frist von vierundzwanzig Monaten, vom Tage der Unterzeichnung ab, nicht erfolgen sollte.

## ARTIKEL XIII

Der gegenwaertige Vertrag, aus dreizehn Artikeln bestehend, soll ratifizirt und die Ratifikationen sollen sobald als moeglich in Apia ausgetauscht werden.

Die Ratifikation seitens der Samoa-Regierung soll jedoch gleich nach Unterzeichnung dieses Vertrages erfolgen, und die betreffende Urkunde bis zur Ankunft der Ratifikation der deutschen Regierung im Kaiserlich deutschen Konsulat zu Apia verwahrt werden, mit der Bedingung, dass der Samoa-Regierung ihre Ratifikations-Urkunde zurueckerstattet wird, im Falle die deutsche Regierung diesen Vertrag nicht innerhalb der festgesetzten Frist ratifiziren sollte.

Zu Urkund dessen haben die beiderseitigen Bevollmaechtigten den gegenwaertigen Vertrag in doppelter Ausfertigung unterzeichnet und besiegelt.

So geschehen im Kaiserlich deutschen Konsulat zu Apia auf Upolu am vier und zwanzigsten Januar Achzehnhundert neun und siebenzig.

(gez.) VON WERNER. (L. S.)

A. WEBER. (L. S.)

TUIA. (L. S.)

LEMANA. (L. S.)

MEISAKE. (L. S.)

## APPENDIX VII

TREATY OF FRIENDSHIP, ETC., BETWEEN GREAT BRITAIN AND  
SAMOA

(See Hertslet's Commercial Treaties, Vol. XV, p. 334)

## SAMOA

Treaty of Friendship, etc., between Great Britain and the King and Government (Malo) of Samoa. Signed at Apia, August 28, 1879.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the King and Government (Malo) of Samoa, being desirous to establish relations of friendship between their respective dominions and subjects, have resolved to conclude a Treaty for that purpose, and have therefore named as their Plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, etc., the Honorable Sir Arthur Hamilton Gordon, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, Her Majesty's High Commissioner and Consul-General for the Western Pacific, Governor of Fiji; and Alfred Percival Maudslay, Esq., one of Her Majesty's Deputy Commissioners for the Western Pacific; and

The King and Government (Malo) of Samoa, the High Chief Malietoa Laupepa and the High Chief Saga;

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles:

ART. I. There shall be perpetual peace and friendship between the subjects of Her Britannic Majesty and those of the Samoan State.

II. The King and Government (Malo) of Samoa engage to grant to no other Sovereign or State any rights, privileges, authority, or predominance in Samoa in excess of such as are or



may be accorded to Her Britannic Majesty. The subjects of Her Britannic Majesty shall always enjoy in Samoa whatever rights, privileges, and immunities shall be granted to those of the most favored nation; and no rights, privileges or immunities shall be granted to the subjects of any foreign State that shall not be equally and unconditionally accorded to the subjects of Her Britannic Majesty.

III. Full liberty for the free pursuit of commerce, trade, and agriculture is guaranteed to British subjects, as well as the peaceful possession of all lands heretofore purchased by them from Samoans in a customary and regular manner, and in the event of any dispute arising as to the fact of such purchase, it shall be determined by a Commission, to consist of one person nominated by the Samoan Government (Malo), and one nominated by her Britannic Majesty's Consul; and in the event of their disagreement, they shall themselves select an umpire; or, if they fail to do so, such umpire shall be appointed by Her Majesty's Consul-General. All British subjects resident in Samoa shall be exempt from war contributions, military requisitions, and occupation of their houses and lands by war parties.

IV. If any subject of Her Britannic Majesty in Samoa is charged with a criminal offence cognizable by British law, such charge shall be tried by Her Britannic Majesty's High Commissioner for the Western Pacific Islands, or other British officer duly authorized by Her Britannic Majesty in that behalf. The expression "British Law" in this Article includes any rules duly made and issued by Her Britannic Majesty's High Commissioner for the Western Pacific Islands, for the government of British subjects within his jurisdiction.

V. Every civil suit which may be brought in Samoa against any subject of Her Britannic Majesty shall be brought before, and shall be tried by, Her Britannic Majesty's High Commissioner, or such other British officer duly authorized as aforesaid.

VI. Every summons or warrant to appear as a witness before Her Britannic Majesty's High Commissioner, or such other British officer duly authorized as aforesaid, and directed to a Samoan

subject, shall have the same authority, and may be enforced in like manner, as if such summons or warrant had been directed to a subject of Her Britannic Majesty.

VII. Her Britannic Majesty engages to cause Regulations to be issued to enforce the observance by British subjects of such of the existing municipal laws and police regulations of Samoa as may be hereafter agreed upon by agreement between the Government of Her Britannic Majesty and that of the Samoan State, and for the due observance of quarantine by British subjects.

VIII. Her Majesty the Queen of Great Britain may, if she think fit, establish on the shores of a Samoan harbor, to be hereafter designated by Her Majesty, a naval station and coaling depot; but this Article shall not apply to the harbors of Apia or Saluafata, or to that part of the harbor of Pago-Pago which may be hereafter selected by the Government of the United States as a station under the provisions of the Treaty concluded between the United States of America and the Samoan Government, on the 17th day of January, 1878.

IX. The present Treaty shall come into force from the date thereof, but shall again become null and of no effect if not ratified within the prescribed period.

X. The present Treaty, consisting of 10 Articles, shall be ratified, and the ratifications exchanged at Apia within one year from the date thereof.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done at Apia, the 28th day of August, in the year of Our Lord, 1879.

(L. S.)

ARTHUR GORDON.

(L. S.)

ALFRED P. MAUDSLAY.

(L. S.)

MALIETOA LAUPEPA.

(L. S.)

SAGA LE AUAUNA.

## APPENDIX VIII

MUNICIPAL CONVENTION ESTABLISHING MUNICIPALITY OF APIA,  
SEPT. 2, 1879

(See House Executive Documents, 50th Congress, First Session,  
1887-1888, Vol. 28, No. 238, p. 132.)

Convention between Great Britain (Germany, the United States),  
and the King and Government of Samoa, for the government  
of the town and district of Apia. Signed at Apia, September  
2, 1879. Ratifications exchanged at Mulinuu, August 27,  
1880.

Her Majesty the Queen of the United Kingdom of Great Britain  
and Ireland, and the King and Government of Samoa, being  
desirous to make better provisions for the good government of the  
town and district of Apia, and the preservation of peace and good  
order therein, as well as for the maintenance of its neutrality,  
should internal disturbances unhappily take place in the Samoan  
State, have determined to conclude a convention for that purpose  
and have named as their plenipotentiaries:

Her Majesty the Queen of the United Kingdom of Great  
Britain and Ireland, etc., the Honorable Sir Arthur Hamilton  
Gordon, Knight Grand Cross of the Most Distinguished Order  
of St. Michael and St. George, Her Majesty's High Commissioner  
and Consul-General for the Western Pacific, Governor of Fiji;  
and Alfred Percival Maudslay, Esquire, one of Her Majesty's  
deputy commissioners for the Western Pacific:

And the King and Government of Samoa, the High Chief  
Malietoa Laupepa; and the High Chief Saga;

Who, having met and conferred with the representatives at  
Apia of other nations having entered into treaty relations with  
Samoa, that is to say, Corvetten-Capitaen F. Mensing, Imperial  
German Navy, commanding His Imperial German Majesty's  
gun-vessel Albatross; Theodor Weber, Esquire, Imperial German  
Consul for Samoa and Tonga; Captain R. Chandler, United States

Navy, commanding the United States ship Lackawanna; and Thomas M. Dawson, Esquire, Consul of the United States of America at Apia, have, in conjunction with them, agreed upon and concluded the following articles:

#### ARTICLE I

The space comprised within the following limits, that is to say, commencing at Vailoa, passing thence along the coast to the mouth of the Fulnasa River, thence up the course of the river Fulnasa to the point at which the Alafuala road crosses such river, thence along the said road to the point where it reaches the river Vaisigo, and thence, in a straight line, to the point of commencement at Vailoa, shall constitute and be known as the town and district of Apia. The waters of the harbor of Apia are also comprehended within the district.

#### ARTICLE II

Such town and district shall be placed under the government of a municipal board, consisting of those foreign consuls resident in Apia whose nations have entered into treaty relations with Samoa. Representatives of every such nation, having a consul in Samoa, shall, at a future period, be added to the said board, and shall be chosen in such manner and exercise such functions as may be provided by regulations to be hereafter agreed upon and published by the said board.

#### ARTICLE III

The municipal board shall have power to make and enforce regulations and by-laws with regard to police and good order, public works, sanitary regulations, the issue of licenses, the imposition of harbor regulations, the prevention of the sale and supply of spirituous liquors to Samoans and other islanders of the Pacific Ocean, and other similar matters, within the said district, and such regulations shall be binding upon all persons within the said district, and may be enforced by penalties not exceeding \$200 fine,



or imprisonment with hard labor for a period not exceeding six months, or both fine and imprisonment not exceeding the before-mentioned penalties.

#### ARTICLE IV

The municipal board of Apia may, for the purpose of defraying expenses incurred under the above article, levy rates upon the occupiers of houses or lands within the district of Apia, not exceeding 5 per cent. annually on the annual assessed value of such premises, as calculated on the presumed rental valuation thereof, or 1 per cent. annually on the real value of such property.

#### ARTICLE V

All offenses against the regulations of the municipal board, by whomsoever committed, shall be tried by a magistrate to be appointed by the board.

#### ARTICLE VI

If a subject or citizen of any of the contracting parties in Apia be charged with an offense against the laws of his own country, he shall be tried according to the jurisdiction provided therefor by the legislation of the nation to which he belongs, or according to the stipulations of the treaty concluded between his nation and Samoa.

#### ARTICLE VII

Every Samoan subject charged with a criminal offense within the limits of the district of Apia, other than an offense against the municipal regulations, shall be liable to trial by the magistrate appointed under the provisions of Article V, in conjunction with a Samoan magistrate.

#### ARTICLE VIII

The foregoing articles shall in no way prejudice the territorial integrity of Samoa, and the Samoan flag shall be hoisted at such place of meeting of the municipal board as may be permanently adopted.

## ARTICLE IX

In case of civil war, the town and district of Apia, and the adjacent districts comprised between the boundaries of the town and district of Apia and Letoga, Tiapepe Point, and Siusega, shall be considered as neutral territory, and the municipal board may frame and issue such regulations as may be considered necessary for the support and maintenance of such neutrality.

## ARTICLE X

The present convention shall be revised at the end of four years from its date, and if the internal state of Samoa at that time will happily admit thereof, without prejudice to the interests of foreign residents in Samoa, the powers conferred by the present convention upon the municipal board of Apia shall cease and determine, and the district again pass under the control and authority of the Samoan Government, or such other authority as may be agreed upon between the Samoan Government and the high contracting parties.

## ARTICLE XI

The representatives of the Imperial German Government, in virtue of the powers accorded to them by Article VIII of the treaty concluded between His Imperial Majesty the German Emperor and the Government of Samoa on the 24th day of January last past, accede and agree to the present convention, on behalf of the Imperial German Government, subject to the conditions of the said article.

## ARTICLE XII

The representatives of the United States Government provisionally accede and assent to the present convention, on behalf of the Government of the United States, subject to the approval of that Government.

## ARTICLE XIII

The present convention shall be ratified, and the ratifications exchanged at Apia within one year from the date thereof.

In witness whereof we have signed the same and affixed thereto our seals.

Done at Apia, this 2nd day of September, in the year of Our Lord 1879.

(L. S.)

ARTHUR GORDON.

(L. S.)

ALFRED P. MAUDSLAY.

(L. S.)

F. MENSING,

Corvetten-Capitaen.

(L. S.)

T. WEBER,

Imperial German Consul.

(L. S.)

R. CHANDLER,

Captain, United States Navy, Commanding United States Ship "Lackawanna."

(L. S.)

THOMAS M. DAWSON.

(L. S.)

MALIETOA LAUPEPA.

(L. S.)

SAGA LE AUAUNA.

## APPENDIX IX

### AGREEMENT BETWEEN THREE CONSULS AND THE KING OF SAMOA MARCH 24, 1880

(House Executive Documents, 50th Congress, First Session,  
1877-1878, Vol. 28, No. 238, p. 207)

An agreement made between the King and Government of Samoa and the foreign consuls in Samoa.

Whereas the King and Government of Samoa did, on the 31st day of August, 1879, address a letter to the three Governments of the United States of America, Germany, and Great Britain, requesting them to take some concerted action for the preservation of peace and good order in Samoa, and for the protection of the King and Government thereof: and

Whereas on the 15th day of December, 1879, the civil war in Samoa was terminated in the treaty of peace between the representatives of the opposing forces; and

Whereas on the 23d day of December, 1879, on board H. I. G. M. ship "Bismarck," a permanent agreement was entered into by the representatives of both parties electing and recognizing Malietoa Talavou King for life; and

Whereas on the 12th day of January, 1880, the Imperial German Government sent instructions to the Imperial German Consul-general in Samoa that the Governments of England and America had accepted the proposals of the German Government, and ordering him to recognize and enter into an agreement with his colleagues for the protection of Malietoa and his government by the three powers already named in this preamble; and

Whereas on the 14th day of January, 1880, the English Government ordered H. B. M. ship "Danae" to Samoa with instructions to Captain Purvis, commanding, to recognize Malietoa and protect his government in conjunction with the naval forces of Germany and America; and

Whereas the present King and Government of Samoa earnestly desire that this arrangement may be consummated as speedily as possible, for the greater security of life and property within the kingdom, and for the utmost prosperity of the Samoan Islands. Therefore the King, Malietoa Talavou, and the Government of Samoa, the Taimua and Faipule, and Captain Zembsch, Imperial German consul-general, on behalf of the German Government, and Thomas M. Dawson, United States Consul, on behalf of the Government of the United States of America, and J. Hicks Graves, Her Britannic Majesty's Consul, on behalf of the United Kingdom of Great Britain and Ireland, etc., have agreed upon and concluded the following four articles, to take effect immediately, and to continue in force until ratified, modified, or rejected by the three protecting powers:

#### ARTICLE I

The present King, Malietoa Talavou, shall be supported as the head of the Samoan Government during his life-time, and his successor shall be agreed upon by the three protecting powers.



## ARTICLE II

There shall be an executive council for the King and Government of Samoa consisting of a citizen of the United States of America, a German and a British subject, and they shall hold the offices, respectively, of minister of justice, minister of finance, and minister of public works.

## ARTICLE III

The members of the executive council shall be nominated from among the residents of Samoa by the consuls of their respective nations resident at Apia, and they shall hold office from the date of their nomination, which must subsequently be confirmed by the home Governments.

## ARTICLE IV

The members of the executive council shall hold office until their successors are nominated by the consuls, and they shall receive such salaries as may be agreed upon between the Government of Samoa and the consular representatives of the three protecting powers.

In witness whereof we have signed the same and affixed thereto our seals.

Done at Apia this twenty-fourth day of March, in the year of Our Lord one thousand eight hundred and eighty.

ZEMBSCH. (L. S.)

THOMAS M. DAWSON. (L. S.)

J. HICKS GRAVES. (L. S.)

## APPENDIX X

AGREEMENT BETWEEN GERMAN CONSUL STUEBEL AND MALIETOA,  
Nov. 10, 1884, ESTABLISHING GERMAN-SAMOAN COUNCIL

(See V. R. 1885. Anlagen Vol. VI, Aktenstueck No. 167, p. 726 f.)

Anlage 2 zu Nr. 47 (Uebersetzung)

Um den in Samoa lebenden Deutschen die Vortheile einer guten Regierung zu sichern und in Ausfuehrung von Artikel VII, des

deutschsamoanischen Freundschaftsvertrages vom 24. Januar, 1879 haben sich der Verweser des Kaiserlichen Konsulates fuer die Suedsee-Inseln und der Koenig, der Vizekoenig und die Regierung von Samoa ueber die nachstehenden Bestimmungen geeinigt:

#### ARTIKEL I

Es wird ein deutsch-samoanischer Staatsrath gebildet. Zu demselben sollen gehoeren der deutsche Consul oder dessen Stellvertreter, zwei Samoaner, von denen der eine von dem Koenige, der andere von dem Vizekoenig im Einvernehmen mit den Taimua und Faipule ernannt werden, und zwei Deutsche, welche von dem deutschen Consul ernannt werden.

#### ARTIKEL II

Der deutsch-samoanische Staatsrath soll ueber alle Gesetze und Einrichtungen berathen, und Beschluss fassen, deren Einfuehrung dem gemeinsamen Interesse der Samoa-Regierung und der in Samoa lebenden Deutschen entspricht. Er wird insbesondere gesetzliche Vorschriften aufstellen, welche auf die strafbaren Handlungen von Samoanern Anwendung leiden, wenn damit ein Deutscher oder ein in deutschen Diensten stehender Angehoeriger eines anderen Staates oder ein in deutschen Diensten stehender farbiger Arbeiter oder das Eigenthum solcher Personen verletzt worden ist. Die gleichen Vorschriften sollen auf die strafbaren Handlungen der in deutschen Diensten stehenden farbigen Arbeiter Anwendung leiden.

#### ARTIKEL III

Die von dem deutsch-samoanischen Staatsrath aufgestellten Vorschriften werden von dem Koenig und dem Vizekoenig unter ihrer Unterschrift als Gesetz erlassen. In dem Eingang ist zu erwahnen, dass das Gesetz nach vorgaengiger Feststellung durch den deutsch-samoanischen Staatsrath erlassen wird.

## ARTIKEL IV

Der Koenig wird im Einvernehmen mit dem deutschen Konsul einen deutschen Beamten der Samoa-Regierung ernennen. Derselbe wird der Sekretaer und der Rathgeber des Koenigs in allen Angelegenheiten sein, welche die in Samoa lebenden Deutschen betreffen. Er wird in den Strafsachen, an welchen die in Samoa lebenden Deutschen ein Interesse haben, sofern nicht auf mehr als zwei Jahre Gefaengniss mit harter Arbeit erkannt werden kann, das Amt eines deutschen Richters ausueben; in Gemeinschaft mit einem samoanischen Richter ueber Samoaner und farbige Arbeiter, welche sich der Verletzung von Samoanern oder von samoanischen Eigenthum schuldig gemacht haben, allein ueber farbige Arbeiter wegen der von denselben unter einander begangenen strafbaren Handlungen. Wenn auf mehr als zwei Jahre Gefaengniss mit harter Arbeit erkannt werden kann, wird der deutsche Konsul, neben einem samoanischen Richter, das Richteramt selber uebernehmen oder den deutschen Beamten der Samoa-Regierung oder eine dritte Person damit beauftragen.

## ARTIKEL V

Zur Unterbringung der Strafgefangenen aus Strafsachen, an welchen die in Samoa lebenden Deutschen ein Interesse haben, wird ein Gefaengniss errichtet werden. Die zu Gefaengniss mit harter Arbeit Verurtheilten sollen zu angemessener Arbeit gehalten werden, welche zur Deckung der entstehenden Verwaltungskosten verwerthet werden kann. Der deutsche Beamte der Samoa-Regierung wird die Aufsicht ueber das Gefaengnisswesen fuehren.

## ARTIKEL VI

Der Koenig wird im Einvernehmen mit dem deutschen Konsul Polizisten anstellen, welche den Gefaengnisssdienst und den Sicherheitsdienst auf den deutschen Pflanzungen versehen werden. Dieselben unterstehen dem Befehle des deutschen Beamten der Samoa-Regierung.

## ARTIKEL VII

Die in Folge dieser Vereinbarung sich noethig machenden Ausgaben werden aus den eingehenden Gerichtsgebuehren, Geldstrafen, Einkuenften aus der Gefangenenarbeit und aus den Steuern gedeckt werden, welche von den deutschen Interessenten aufzubringen sind.

Mit Verwaltung dieser Gelder soll ein Vertreter der deutschen Steuerzahler beauftragt werden. Die Umlegung der Steuern, sowie die Feststellung der Hoehe der Ausgaben, erfolgt durch den deutsch-samoanischen Staatsrath.

## ARTIKEL VIII

Dieses Uebereinkommen tritt sofort in Kraft vorbehaltlich der Genehmigung durch die Kaiserlich deutsche Regierung. So lange diese nicht erfolgt ist, soll von Deutschen die Zahlung von Steuern nicht verlangt werden koennen. Die Kaiserlich deutsche Regierung soll das Recht haben, dieses Uebereinkommen zu kuendigen, welchenfalls dasselbe nach sechs Monaten ausser Kraft tritt.

Zu Urkunde dessen haben wir hierunter unsere Unterschriften gesetzt.

Geschehen im Kaiserlichen Konsulate zu Apia am 10. November 1884.

(gez.) DR. STUEBEL.  
Kaiserlicher Konsulats-Verweser

(gez.) TH. WEBER,  
als Zeuge.

(gez.) MALIETOA,  
Le Tupu o Samoa  
(gez.) TUPUA,  
Le Sui Tupu

Es wird hierdurch bescheinigt, dass Vorstehendes eine getreue Uebersetzung des im Archiv des Kaiserlichen Konsulats aufbewahrten in samoanischer Sprache abgefassten Originals ist.

Apia, den 11. November 1884.

DER KAISERLICHE KONSULATS-VERWESER.

(L. S.)

(gez.) DR. STUEBEL.



## APPENDIX XI

DECLARATION RELATING TO THE DEMARCATION OF THE GERMAN  
AND BRITISH SPHERES OF INFLUENCE IN THE  
WESTERN PACIFIC. (1886)

(V. R. 1885-86, Anlagen, Vol. VI. Aktenstueck No. 291, p. 1570)

THE Government of His Majesty the German Emperor and the Government of her Majesty the Queen of the United Kingdom of Great Britain and Ireland having resolved to define the limits of the German and British spheres of influence in the Western Pacific, the Undersigned duly empowered for that purpose, viz.:

1. COUNT HERBERT BISMARCK,

His Imperial Majesty's Under Secretary of State for Foreign Affairs,

2. SIR EDWARD BALDWIN MALET,

Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary,

have agreed on behalf of their respective Governments to make the following

## DECLARATION

## I

For the purpose of this Declaration the expression "Western Pacific" means that part of the Pacific Ocean lying between the 15th parallel of North latitude and the 30th parallel of South latitude, and between the 165th Meridian of longitude West and 130th Meridian of longitude East of Greenwich.

## II

A conventional line of demarcation in the Western Pacific is agreed to, starting from the North East coast of New Guinea at a point near Mitre Rock on the eighth parallel of South latitude,

being the boundary between the German and British possessions on that coast and following that parallel to point A and thence continuing to points B, C, D, E, F and G as indicated in the accompanying Charts; which points are situated as follows:

A:  $8^{\circ}$  South lat<sup>do</sup>  $154^{\circ}$  long<sup>de</sup> East of Greenwich.

B:  $7^{\circ} 15'$  South lat<sup>de</sup>  $155^{\circ} 25'$  East long<sup>de</sup>.

C:  $7^{\circ} 15'$  South lat<sup>de</sup>  $155^{\circ} 35'$  East long<sup>de</sup>.

D:  $7^{\circ} 25'$  South lat<sup>de</sup>  $156^{\circ} 40'$  East long<sup>de</sup>.

E:  $8^{\circ} 50'$  South lat<sup>de</sup>  $159^{\circ} 50'$  East long<sup>de</sup>.

F:  $6^{\circ}$  North lat<sup>de</sup>  $173^{\circ} 30'$  East long<sup>de</sup>.

G:  $15^{\circ}$  North lat<sup>de</sup>  $173^{\circ} 30'$  East long<sup>de</sup>.

The point A is indicated on the British Admiralty Chart 780 "Pacific Ocean" (South West Sheet); the points B, C, D and E are indicated on the British Admiralty Chart 214 (South Pacific Solomon Islands) and the points F and G on the British Admiralty Chart 781 "Pacific Ocean" (North West Sheet).

### III

Germany engages not to make acquisitions of territory, accept Protectorates, or interfere with the extension of British influence and to give up any acquisitions of territory or Protectorates already established in that part of the Western Pacific lying to the East, South-East or South of the said conventional line.

### IV

Great Britain engages not to make acquisitions of territory, accept Protectorates or interfere with the extension of German influence and to give up any acquisitions of territory or Protectorates already established in that part of the Western Pacific lying to the West, North-West or North of the said conventional line.

### V

Should further surveys show that any Islands now indicated on the said Charts as lying on one side of the said conventional line,

are in reality on the other side, the said line shall be modified so that such islands shall appear on the same side of the line as at present shown on the said Charts.

## VI

This Declaration does not apply to the Navigator Islands (Samoa) which are affected by Treaties with Germany, Great Britain and the United States; nor to the Friendly Islands (Tonga) which are affected by Treaties with Germany and Great Britain; nor to the Island of Niué (Savage-Island) which groups of Islands shall continue to form a neutral region; nor to any Islands or places in the Western Pacific which are now under the sovereignty or protection of any other civilized Power than Germany or Great Britain.

. . . . .

Declared and signed in duplicate at Berlin, this sixth day of April one thousand eight hundred and eighty-six.

(L. S.) GRAF BISMARCK,

(L. S.) EDWARD B. MALET.

## APPENDIX XII

CORRESPONDENCE ON THE SAMOAN QUESTION BETWEEN SENATOR  
SCHURZ AND SECRETARY BAYARD

From "Speeches," etc., of Carl Schurz, Vol. V, p. 1)

To Thomas F. Bayard

NEW YORK, Jan. 30, 1889.

As a loyal American citizen I feel in duty bound to make to you the following confidential communication.

Early this morning I received a note from Count Arco informing me that he would be in this city during the day and requesting me to meet him at such time and place as I might designate—if possible during the forenoon. Having been for years pleasantly acquainted with Count Arco, I called upon him at the Albermarle

Hotel on my way down town. He at once asked me for my opinion on the present state of the Samoan business, adding that he intended to write to Count Bismarck today.

I replied that as to all I should say I wished him to keep in mind that I could only speak for myself as a private citizen; that I had had no communication concerning this subject with any one connected with the Government, and that I had only the official publications, the newspapers and my acquaintance with people of different classes as sources of information and opinion. From my study of the matter it appeared to me that the Germans had committed the error common to civilized nations coming, in the pursuit of their material interests, into contact with savage or semi-civilized populations — namely the error of relying mainly upon the application of force in the treatment of those populations. The English had frequently committed this error, we had sometimes in our intercourse with the Indians, and the Germans seemed to repeat it in Africa as well as in Samoa. This policy frequently led to acts of injustice, was always costly as well as cruel, but by no means always successful in the way desired. In this case it has produced situations irritating to others more or less concerned.

Count Arco observed that, while, according to reliable information received at Berlin, the hostility of the Samoans to the Germans was largely, if not entirely, owing to constant instigation on the part of Americans, officials as well as private persons, in Samoa, the Government of the United States had made little, if any, complaint in the diplomatic way of the conduct of German officials in Samoa. The whole controversy, if there was any, seemed to be carried on by the subordinate officials among themselves and by the newspapers, but was, perhaps, for this reason all the more exciting (to) the public mind.

I interrupted, saying that I remembered an elaborate despatch or instruction addressed by Mr. Bayard to Mr. Pendleton explicitly stating the things complained of by this Government, and that in the official correspondence I found plenty of criticism of the conduct of the Germans in Samoa by the American officials, but no evidence of their having incited a refractory spirit among the natives. How-



ever, these were questions of fact which, thousands of miles away, we might not at present be able to answer.

The conversation then turned upon the more important question what was now best to be done to avoid further difficulty. Count Arco repeatedly assured me that the German Government was most peaceably disposed, and I said, that as I knew the character of the American people and the traditions of the Government, the prevailing disposition here was certainly of the same nature, and that I had been very much surprised to see in some important German newspapers remarks imputing to the Government of the United States, with regard to the Samoan business, a quarrelsome and grasping temper. Nothing could be farther from the truth. Without ever having exchanged a word on the subject with any member of the Administration, I felt confident that the Government, in accord with public opinion, asked for nothing but that the autonomy of the Samoan people and the treaty rights of the United States be properly respected.

Count Arco replied that his Government had time and again declared that it had no purposes in any way hostile to Samoan autonomy or to American treaty rights, and would be ever ready to respect that declaration. In fact, a proposition of Prince Bismarck for another conference on Samoan affairs was on its way to this country, the conference this time to be held at Berlin. The British Government had already assented to it and Mr. Bayard seemed to be favorably inclined.

The Count asked me what else, in my opinion, could be done to avoid further excitement about the matter and to restore the old good feeling. In answering this question I again called his attention to my private station, and said that if the invitation to the new conference were accompanied, by the German Government, with a declaration, in the frankest and most cordial language possible, that the maintenance of the Samoan autonomy and of all treaty rights should be the basis, the recognized fundamental condition, of further understandings between the treaty Powers, it would undoubtedly have a very good effect on public opinion in this country, and, as appeared from the official correspondence and from Senator Sherman's speech reported in today's papers, go far

to meet the demands put forward by the present Administration as well as by the party to come into power on the 4th of March.

Count Arco asked whether the situation would not in some important respects be changed by the incoming of the Republican Administration. I answered that if the German Government made a fair proposition accompanied by satisfactory assurances, a situation would, as it seemed to me, thereby be *created* which would have to be dealt with *upon its own merits* by any Administration, whatever its party character.

Count Arco observed that some persons seemed to apprehend that Mr. Blaine, if appointed Secretary of State, might be in favor of annexing the Samoan Islands to the United States, or at least of establishing an American protectorate over them. I replied that I would be slow to give weight to such an apprehension; as was well known, the traditional policy of the country was most decidedly averse to such distant annexations and to the entanglements certain to grow out of such protectorates; and that traditional policy was too deeply rooted in public opinion to be disregarded. The conservative and cautious spirit of the American people in this respect was clearly demonstrated by their refusal to accept Saint Thomas and Santo Domingo when those countries were offered to the United States.

I further suggested that a pleasant impression might be produced by the German Government permitting the publication of the so-called protocols, so as to show that there was nothing to be concealed; and I alluded to what I had said in an interview, that those minutes might at least be communicated in confidence to the Senate—which seemed to strike the Count more favorably than the publication asked for by the Ford resolution in the House of Representatives.

Count Arco expressed the hope that the “war” in Samoa might by this time be practically ended; possibly the military honor of Germany, after the killing of the German marines, might consider itself satisfied by the bombardment of the Samoan villages; but he did not know. I suggested that, if the war was not yet considered ended, this might be a good opportunity for calling upon the “friendly offices” of the United States, of which the American

treaty with Samoa contained a standing offer. I added that I thought the Germans had made a great mistake in trying to impose upon the Samoans, Tamasese, a king not chosen by the natives; that populations of that kind, if unwilling to submit to a foreigner, will be still more unwilling to submit to a man of their own race imposed upon them by foreigners; that under such circumstances conspiracies and revolutions are inevitable; and that, in my opinion, the Germans as well as all others concerned would serve their own interests much better by permitting the natives to choose their own king without foreign influence of any sort. Count Arco observed that this might be so, and he thought the German Government might finally accept Mataafa himself as Samoan king.

The conversation turning upon what the coming conference between the treaty Powers might do, I said, in answer to a question, that as to the future government of Samoa perhaps some proposition intermediate between that advanced by Prince Bismarck and that of Mr. Bayard might be found, satisfactorily securing Samoan autonomy as well as treaty rights, and Count Arco shared that hope.

He expressed regret at the fact that the Consular representatives (of the United States) in Samoa had in most instances been inferior to those of the other Powers in point of mental equipment as well as social standing, and he attributed their unsatisfactory relations in great part to that circumstance. I said that, not knowing any of the gentlemen in question, I could neither assent or dissent; but I fear the Count in making that remark was not wholly wrong.

Count Arco asked me whether, notwithstanding the substantial agreement of the purposes of the two Governments with regard to Samoa, I saw any point of danger. I replied that the only danger under such circumstances might possibly arise, as I thought, from the forwardness of some naval officer, or from some indiscretion in the conduct of the diplomatic correspondence, one party taking, or putting the other party into, an offensive position from which retreat with honor would be difficult.

After some final exchange of sentiment as to the desirability of a prompt and complete restoration of the traditional cordiality

of feeling between the United States and Germany, the Count said that he would today send a cable message as well as a more elaborate letter to his Government, and we separated.

In making this confidential communication to you I trust you will understand that I am very far from desiring to meddle with the business of the Government. But being asked for my opinion on this important affair by the German Minister in a manner manifesting a sincere desire on his part to see all differences between the two countries amicably and honorably adjusted, I thought there would not only be no harm in my giving him my individual views, but I might possibly aid a little in bringing about what all lovers of peace must wish to accomplish. I give you so elaborate an account of our conversation, in the hope that, if anything I said to Count Arco was erroneous in point of fact or conclusion, you will have the goodness to set me right and enable me to correct the impressions I may have conveyed to his mind.

From Thomas F. Bayard

DEPARTMENT OF STATE,  
WASHINGTON, Feb. 1, 1889.

Confidential and Personal.

I read with entire appreciation of its friendly motive and high intelligence your letter of the 30th, and am glad to inform you that today Count Arco came with a note-verbale from Berlin, which he read to me—to the effect that the extreme action of the German Consul at Samoa in declaring martial law in that region had been disapproved by his Government and that orders countermanding such steps had been sent by telegraph. This apparent return of Prince Bismarck to the line of the perfectly well understood agreement—that native autonomy and independence should be sustained by the three treaty Powers—leads me to be hopeful of a satisfactory adjustment by the conference to which I understood the German Government has decided to invite the United States and Great Britain, and the terms of which may be expected to be presented here in a few days.

You are perfectly correct in your diagnosis of the case—it is a mercenary clash of rival traders in the course of which Germany has



allowed official action to be too freely employed in aid of private schemes. In the discussions, which are fully reported in the protocols, this became apparent, and as I told Count Arco today, Mr. von Alvensleben was inspired throughout by the counsel and presence here of Mr. Weber, formerly a Consular officer in Samoa, and now connected with the German Company there.

As a result our plans for a sensible and just government in Samoa were drifted away from the original basis of concurrent agreement, into a scheme which would have connected the group into a German dependency. It is, I think, unfortunate that Germany and Great Britain should decline to publish these papers, the contents of which have been discussed in the correspondence with Berlin, and which serve now only as bases for charges of "secrecy" and "suppression," creating mystery where all should be clear as day.

Today Count Arco intimated that he would ask the consent of his Government for the communication of these protocols to the Senate in confidence.

If that body called for them to be used in confidence, I scarcely see how the President could withhold them, although the point is delicate and I should be very sorry to have it raised.

I am very sure, however, that the various plans for a native government assisted by the treaty Powers, in which no preponderance of control should be awarded to any one of the three, will under candid treatment yield a just and satisfactory solution of the present unhappy and distressing and dangerous condition of affairs. There can be no doubt that the wholly different policies of the United States and Germany in respect of colonies and dependencies increase the difficulties of coöperation, but knowing the whole ground of the Samoan question, I can say to you unhesitatingly it can be adjusted without difficulty if mercenary forces are not allowed to obtrude themselves into the discussions.

When you come to read these protocols, which will some day be done, I have no doubt that our judgments will be at one.

As soon as I received the German note today, the President sent it in to Congress, and with an understanding that the natives are not to be crushed, and the Government with whom the treaties

were made is to be respectfully considered, and American treaty rights guarded, I believe the mischief-makers will subside and settlement will rapidly progress.

It is difficult to describe the singular bitterness of feeling which seems to control the Republican managers, and which has led to a systematic obstruction, misrepresentation and aspersion of the Administration in every Department, and towards none so fiercely as the Department of State, in which I am just closing four years of constant duty.

They have sought, and only with too much success, to embarrass me in dealing with foreign Governments; and I was only too glad to see in John Sherman's speech signs of an appreciation of the responsibility which approaching power naturally brings.

Your criticism on the tone and character of our Consular representative in Samoa is just. But with the pittance allowed for salary, it was difficult, indeed impossible, to obtain men of adequate ability. Under my urgent applications the pay was raised from \$1500 to \$2000, and at this session I have succeeded in getting the salary placed at \$3000.

The Senate Committee have been examining in secret the present Consul, to see whether some error or something of discredit to me could not be unearthed. But all I want is the whole history to be made public. Nevertheless you can appreciate such treatment of the head of a Department.

I shall endeavor to get a sensible, good-tempered man as soon as I can, though the time for me is short to do so.

I cannot avoid anxiety, lest the indiscretion of some naval officer, on one side or the other, may lead to a broil, which may expand itself. But I have been so single-minded in pursuing justice and friendly relations with Germany, as I believe my correspondence will thoroughly prove, that I believe we will find a clear channel and come to a worthy settlement.

I thank you for your letter, and shall continue to believe you the friend of our country and of

T. F. BAYARD.

I read your letter to the President.













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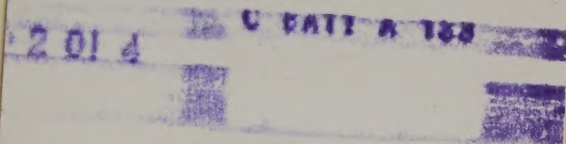
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